

ESTTA Tracking number: **ESTTA669232**Filing date: **04/28/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91216725
Party	Plaintiff Zenith-Mart Inc.
Correspondence Address	TOCHUKWU MBIAMNOZIE ZENITH MARK INC 30 WALL ST, 8TH FL NEW YORK, NY 10005 UNITED STATES info@zenithmart.us, tmbiam@zenithmart.us, trademark@zenithmart.us
Submission	Motion to Reopen
Filer's Name	Tochukwu Mbiamnozie
Filer's e-mail	info@zenithmart.us, tmbiam@zenithmart.us, trademark@zenithmart.us
Signature	/Tochukwu Mbiamnozie/
Date	04/28/2015
Attachments	MOTION TO RE-OPEN, DISMISS, SUSPEND AND CANCEL APPLICANTS REGISTRATION.pdf(345502 bytes) 20 EXHIBIT 2.pdf(3203292 bytes) 20 EXHIBITS 1.pdf(2800825 bytes) 20 EXHIBITS 3.pdf(3003932 bytes) 20 EXHIBITS.pdf(2785188 bytes) 23 EXHIBITS.pdf(3249589 bytes) EXHIBIT 2A.pdf(456788 bytes) EXHIBIT 2B.pdf(610556 bytes) EXHIBIT 2C.pdf(204854 bytes) EXHIBIT 6.pdf(610177 bytes) EXHIBIT 7.pdf(471056 bytes) EXHIBIT 8.pdf(245218 bytes) EXHIBIT 200.pdf(394663 bytes) EXHIBIT 201.pdf(489421 bytes) EXHIBIT 202.pdf(256881 bytes) EXHIBIT 205.pdf(347912 bytes) EXHIBIT G.pdf(388924 bytes) EXHIBIT G1.pdf(190016 bytes) EXHIBIT G2.pdf(267681 bytes) EXHIBIT G3.pdf(336646 bytes) EXHIBIT G4.pdf(357790 bytes) EXHIBIT O1.pdf(363071 bytes) EXHIBIT O2.pdf(379595 bytes) EXHIBIT P1.pdf(377160 bytes) EXHIBIT P2.pdf(438781 bytes) EXHIBIT P3.pdf(478260 bytes) EXHIBIT P4.pdf(223928 bytes) EXHIBIT P5.pdf(239833 bytes) EXHIBIT P6.pdf(324304 bytes) EXHIBIT P7.pdf(579557 bytes) EXHIBIT P8.pdf(556503 bytes) EXHIBIT P9.pdf(366430 bytes) EXHIBIT P10.pdf(441244 bytes) EXHIBIT P11.pdf(455364 bytes) EXHIBIT P12.pdf(352971 bytes) EXHIBIT P13.pdf(713965 bytes)

	EXHIBIT P14.pdf(551684 bytes) EXHIBIT P15.pdf(306613 bytes) EXHIBIT P16.pdf(638186 bytes) EXHIBIT P17.pdf(492684 bytes) EXHIBIT R.pdf(377160 bytes) EXHIBIT R1.pdf(672398 bytes) EXHIBIT R2.pdf(615568 bytes) EXHIBIT V.pdf(492212 bytes) EXHIBIT X4.pdf(371987 bytes) EXHIBIT X5.pdf(388353 bytes) EXHIBIT X9.pdf(593042 bytes) EXHIBIT XH3.pdf(288624 bytes) EXHIBIT XH4.pdf(283051 bytes) EXHIBIT Y1.pdf(215932 bytes) EXHIBIT Y2.pdf(281708 bytes) EXHIBIT Y3.pdf(320571 bytes) EXHIBIT Z1.pdf(504705 bytes) EXHIBIT Z2.pdf(386201 bytes) EXHIBIT Z3.pdf(431898 bytes) EXHIBIT Z4.pdf(306580 bytes) EXHIBIT Z5.pdf(264588 bytes) EXHIBIT Z6.pdf(450320 bytes) EXHIBIT Z7.pdf(451827 bytes)
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE TRADEMARK TRIAL AND APPEAL BOARD**

ZENITH-MART INC.,)

)

Opposer,)

)

v.)

Opposition: 91216725

)

GODSWILL H. OLETU DBA ZENITHMART,

)

)

Applicant.)

**MOTION TO RE-OPEN, TO SUSPEND PROCEEDINGS FOR RESUMPTION AFTER 180
DAYS AND TO DISMISS, INVALIDATE AND CANCEL APPLICANTS TRADEMARK
REGISTRATION WITHOUT CONTEST, CONSIDERATION OR APPEAL WHATSOEVER.**

An Officer for ("Opposer") Zenith-Mart Inc. this 28th Day of April files this motion to re-open, to suspend proceedings for resumption after 180 days and to void, invalidate and cancel Applicants Trademark Registration with serial number: 86067598 without Contest, Consideration or even an appeal. Showing the Board as Follows.

TO RE-OPEN TIME

Pursuant to Fed. R. Civ. P. 6(b), made applicable to Board proceedings by 37 CFR § 2.116 (a). On 03/06/2015, An Officer for ("Opposer") Zenith-Mart Inc. for a good cause filed a motion for an extension of time of 60 days to meet its financial obligation to be able to retain the services of an Attorney who will represent "Opposer" in the Opposition No. 91216725, filed on June 6, 2014 (the "Opposition") against the trademark ZENITHMART which was ("Opposer") second request for extension of time and should be granted the 60 days requested but instead was granted only a 30 days period following other false claims made by Applicant "Oletu Godswill Hosea" in his response of 03/12/2015 against "Opposer" Zenith-Mart, Inc.

Following the Boards order of 03/26/2015, granting ("Opposer") Zenith-Mart, Inc. motion for an extension of time till 4/23/2015 to meet its financial obligation to hire a new Attorney or respond that it is representing itself for which ("Opposer") should respond on or before the date, Fed. R. Civ. P. 6(b)(1)(B). (Excusable neglect) ("Opposer's") Officer Tochukwu Mbiamnozie who is the only one responsible to file this motion, being enrolled into an MBA program in International Business at the University of Bridgeport Connecticut has been taking his final exams to graduate from the University for which his graduation is next month 5/9/2015 and as such need time to focus to write final exams. See- Exhibit 205.

("Opposer's") Officer Tochukwu Mbiamnozie was not able to respond timely because of his final exams this month and moreover ("Opposer") Zenith-Mart, Inc. have not being able to meet its financial obligation yet within the short allotted time by the Board due to the fact that "Applicant" Godswill Oletu Hosea, has willfully and potentially damaged ("Opposers") mark. Caused ("Opposer") huge financial loss in cash flow by redirecting ("Opposer's") customers to his affiliate website **www.zenithmart.com**, his Ebay personal page with ID: OGODSWILL, however causing huge confusion, unfair competition and potentially damaging ("Opposers") Mark.

15 U.S.C. § 1125(a)(1)(B) Applicant Godswill Hosea Oletu in his trademark application of 09/18/2013 with serial number: 86067598, made false and misleading statements which have potentially hurt ("Opposer's") business and cash flow for which 18 U.S.C section 1001 which Applicant Godswill Hosea Oletu declared in his application is a penalty upon Applicant punishable by Fine or Imprisonment or Both and also jeopardizes the validity of Applicants registration thus "Applicants" registration must be giving express cancellation without contest or consideration or any appeal whatsoever. "Applicants" application of 09/18/2013 with serial number 86067598 and opposition number 91216725 is Void ab initio. ShutEmDown Sports, Inc. v. Carl Dean Lacy, 102 USPQ2d 1036 (TTAB 2012)

TO SUSPEND PROCEEDINGS FOR RESUMPTION AFTER 180 DAYS

15 U.S.C. § 1125(a)(1)(B) Applicant Godswill Hosea Oletu in his trademark application of 09/18/2013 with serial number: 86067598, made false and misleading statements which have potentially hurt ("Opposer's") business and cash flow thus has limited ("Opposer") from generating revenue from business operations to be able to afford or retain the services of an attorney and due to the complexity of this case with "Applicant" Godwills Oletu Hosea's desperate and retaliatory intent to damage ("Opposers") mark, cause huge damage and financial loss to ("Opposer"), it will be to the best interest of ("Opposer") to hire an attorney as ("Opposer") cannot represent itself. "Opposer" can bring a civil action before a Federal Court against Applicant.

Though ("Opposer") initiated this Opposition and should be prepared for it, but the wrongful Approval of Applicants Mark for registration by the USPTO Examining Attorney "Marcie R. Frum Milone which resulted to this Opposition necessitated "Applicants" willfull actions in the marketplace to damage ("Opposer") Mark. Deceiving and redirecting ("Opposer's) customers to his new launched website www.zenithmart.com which at the time of "Applicants" Trademark Application of 09/18/2013 with Serial No: 86067598, "Applicants" affiliate website www.zenithmart.com presented by "Applicant" and declared under 18 U.S.C Section 1001 was not in existence and used in commerce but Applicant lied and

made false claims. SEE: EXHIBIT X, EXHIBIT X1, EXHIBIT X2, EXHIBIT X3, EXHIBIT X4, EXHIBIT X5, EXHIBIT X6, EXHIBIT X7, and EXHIBIT X 8

Applicant's domain www.zenithmart.com was parked, abandoned and not used consistently in commerce as early as 2008 as falsely claimed by "Applicant" to deceive the USPTO, TTAB and Examining Attorney to have his Application published for registration. SEE: EXHIBIT X, EXHIBIT X1, EXHIBIT X2, EXHIBIT X3, EXHIBIT X4, EXHIBIT X5, EXHIBIT X6, EXHIBIT X7, and EXHIBIT X 8. All these exhibits proved that at the time of "Applicant" Godswill Oletu Hosea's trademark application that Applicants website www.zenithmart.com was not used in commerce or has been used in commerce before but that "Applicants" domain www.zenithmart.com was parked free and abandoned as early as 2007 (more than 7 years) (SEE: EXHIBIT X, EXHIBIT X1, EXHIBIT X2, EXHIBIT X3, EXHIBIT X4, EXHIBIT X5, EXHIBIT X6, EXHIBIT X6, and EXHIBIT X 8.) And that at the time of Applicant's application to register said Mark ZENITHMART, that ("Opposer") has been using said Mark in commerce prior to Oletu Godswill Hosea "Applicant"

TO DISMISS, VOID AND CANCEL APPLICANTS TRADEMARK REGISTRATION WITH SERIAL NUMBER: 86067598 WITHOUT CONTEST, CONSIDERATION OR APPEAL WHATSOEVER.

BACKGROUND:

Pursuant to **§ 6.7 Motions to Dismiss Under FRCP 12(b)(6)**, August 27, 2013, ("Opposer's") Officer Tochukwu Mbiamnozie, approached "Applicant" Godswill Hosea Oletu to sell his long abandoned and parked free domain www.zenithmart.com and www.zenithmart.net. SEE: **EXHIBIT X, EXHIBIT X1, EXHIBIT X2, EXHIBIT X3, EXHIBIT X4, EXHIBIT X5, EXHIBIT X6, EXHIBIT X7, and EXHIBIT X8**. Which "Applicant" confirmed to ("Opposer's") Officer Tochukwu Mbiamnozie that he is willing to sell the domain names to 'Opposer' if "Opposer" can make him Godswill Hosea Oletu

“Applicant” an offer, and that because of his busy work schedule cannot commercialize the said domain names. At this point and time, “Applicants” domains were not used in commerce at all so “Opposer’s” officer offered to buy the two domains www.zenithmart.com and www.zenithmart.net for \$500.

“Applicant” Godswill Hosea Oletu, demanded for more money to sell the domain names to “Opposer” Zenith-Mart, Inc. Opposer’s officer then made “Applicant” Godswill Oletu Hosea two offers namely:

1. Sell both domains www.zenithmart.com and www.zenithmart.net for \$1000
2. Come in as partner for a 20% equity of “Opposers” Zenith-Mart Inc. company

EXHIBIT X6, “Applicant” Godswill Hosea Oletu acknowledged that “Opposer” Zenith-Mart, Inc. is actively using mark in commerce which he watched “Opposer’s” business videos online and “Applicant” agreed to option “2” above (Partnership) but instead of the 20% equity partnership, “Applicant” Stated demanded for 50% equity of (“Opposers”) businesses SEE: EXHIBIT X7.

“Opposer’s” officer Tochukwu Mbiamnozie at the time of this communication with Applicant Godswills Oletu Hosea, rejected giving Applicant “Oletu Godswill” 50% of his company. SEE. EXHIBIT X8.

Communication between “Opposers” officer Tochukwu Mbiamnozie and Applicant Godswill Hosea Oletu broke down on the 09/18/2013 after “Opposer’s” Officer rejected to giving “Applicant” Godswill Oletu 50% equity of “Opposer’s” business and because of that and to willfully retaliate and damage “Opposer’s” business and Mark, “Applicant” Godswill Hosea Oletu went the same day 09/18/2013 and applied to trademark “Opposer’s” Mark to frustrate “Opposer’s” business operation, cause confusion, create deception, and unfair competition and even though he knew and aware that “Opposer” owns the Mark by Common Law Right under the Lanham Act, “Applicant” Godswill Hosea Oletu willfully and intentionally made false claim and declaration 18 U.S.C Section 1001 to register “Opposer’s” Mark. Forging paper works, wasting the Boards time, causing huge damages to “Opposers” business and cash flow and redirecting “Opposer’s” customers to his Affiliate sites which he opened in 2014.

In view of this, “Applicants” trademark registration with serial number: 86067598 must be voided,

cancelled and barred from registration as 18 U.S.C Section 1001 for which “Applicant made false declaration, invalidates and nullifies his trademark registration and that the board should order “Applicant” to account for “Opposer’s” lost sales and Attorney’s fees wasted in the cause of this proceeding which “Applicant” has mislead, deceived and misdirected the United States Patent and TradeMark Office (USPTO) and TradeMark Trial and Appeal Board (TTAB)

EXHIBIT P and EXHIBIT P1: This shows “Applicant” Godswill Hosea Oletu’s trademark application of 09/18/2013 with wrong description of goods and services **“the bringing together, for the benefit of others, of a variety of goods and services, enabling customers to conveniently view and purchase those goods and services from an internet web site particularly specializing in the marketing of the sale of goods and services of others”** SEE EXHIBIT X9. **IDENTIFICATION OF SERVICES:**

Trademark Act § 18, [15 U.S.C. § 1068](#) “the Board has the authority to cancel registrations in whole or in part, to restrict the goods or services identified in an application or registration, or to “otherwise restrict or rectify...the registration of a registered mark.”

It will benefit “Opposer” and limit damages caused on “Opposer” so far by “Applicant” Godswill Hosea Oletu if the board will give express consideration and adopt this statute: Trademark Act § 18, [15 U.S.C. § 1068](#)

EXHIBIT P1: Applicants claim of using Mark on domain www.zenithmart.com : **FIRST USE ANYWHERE: 2008: FIRST USE IN COMMERCE: 2008** is patently false: SEE: **EXHIBIT X, EXHIBIT X1, EXHIBIT X2, EXHIBIT X3, EXHIBIT X4, EXHIBIT X5, EXHIBIT X6, EXHIBIT X7 and EXHIBIT X8.** “Applicant” Godswill Oletu Hosea has never used Mark or domain www.zenithmart.com anywhere in commerce whatsoever prior to his trademark application of 09/18/2013 with serial number 86067598 and even after his trademark application, still was not using the Mark or domain in commerce till late 2013 and early 2014 when he signed up for Amazon Affiliate site under the domain name www.zenithmart.com so “Opposer” Zenith-Mart Inc. has prior right to the

consistent use of the Mark ZENITHMART in Commerce and such has created huge brand equity and goodwill with the Mark. **SEE EXHIBIT 1 to EXHIBIT 92.** And also SEE: **EXHIBIT Z1 to EXHIBIT Z7**

EXHIBIT P2. “Applicant” Godswill Hosea Oletu claimed that his DBA Zenithmart is a sole proprietorship **legally organized under the laws of New Jersey** and with Address as follows:

Suite #2-120

370 W. Pleasantview Avenue, Hackensack, New Jersey 07601, United States.

This is also patently false because “Applicant” does not have any **trade name certificate** or has provided any trade name certificate legally registered and signed either with the New Jersey secretary of State or **Hackensack County Clerk** where business is organized identifying “Applicant” Oletu Godswill Hoseas as the owner of the Trade Name legally Organized under the Laws of **Hackensack, New Jersey** as early as 2008 or in any manner whatsoever.

However, “Applicant” Godswill Hosea Oletu started making false claims, identifying the Mark ZENITHMART with his personal company **OLETU SYSTEMS LLC** for which he is also using to deceive consumers on **EBAY.COM** and **AMAZON.COM** associating **OLETU SYSTEMS LLC** to the Mark ZENITHMART. **SEE EXHIBIT O1 and EXHIBIT O2 Certificate of registration of good standing for OLETU SYSTEMS LLC.** This was registered in the state of **DELAWARE: DATE: 07/24/2014.** This certificate of good standing does not have any ZENITHMART on it as an Alternate name or trade name and yet “Applicant” Godswill Oletu Hosea is using this on Ebay.com and Amazon.com (SEE **EXHIBIT G1**) to deceive consumers and such cheating the State of New Jersey, the County of Hackensack and the IRS of his taxes and such not a responsibly citizen of the United states of America.

EXHIBIT N1, EXHIBIT N2, and EXHIBIT N3, shows that OLETU SYSTEMS LLC is only associated with Applicants own network solutions business organized from the website <http://oletu.com>, <http://oletu.com/index1.html>, <http://oletu.com/aboutus.html>, <http://oletu.com/contact.html>

EXHIBIT P3: “Applicant made willful false statement punishable by fine or imprisonment or both under 18 U.S.C. Section 1001. Claiming to be the owner of the Mark ZENITHMART. Making alleged claims of using the Mark under the domain name WWW.ZENITHMARTCOM consistently in commerce as early as 2008 and that no other corporation is using the Mark or has right to use the mark for which he is applying to register. **SEE: EXHIBIT X, EXHIBIT X1 to EXHIBIT X8 and EXHIBIT 1 to EXHIBIT 92 and EXHIBIT Z1 to EXHIBIT Z7.** Which proves that “Opposer” Zenith-Mart Inc. is the rightful owner of the Mark ZENITHMART and has been using it CONSISTENTLY in commerce as early as 4/09/2012 prior to “Applicant” Godswill Hosea Oletu’s 09/18/2013 trademark application. All “Applicants” claims are patently false. Applicant Godswill Hosea Oletu lacks credibility and Honesty.

EXHIBIT P4 and EXHIBIT P5: Shows “Applicants” specimen at the time of trademark application 09/18/2015 for which he received an office action of denial to register. **SEE EXHIBIT P6, EXHIBIT P7, EXHIBIT P8, EXHIBIT P9:** issued on **Dec. 30, 2013.** “The specimen is not acceptable because it is merely a photocopy of the drawing or a picture or rendering of the applied-for mark and does not show the applied-for mark in actual use in commerce in the sale or advertising of the services. Section 45 of the Trademark Act requires use “in the sale or advertising of services.” 15 U.S.C. §1127; *see* 37 C.F.R. §2.56(b)(2); TMEP §904.04(a).”

Applicant was also advised: **SEE EXHIBIT P7:** If applicant cannot satisfy the above requirements, applicant may amend the Section 1(a) filing basis (use in commerce) to Section 1(b) (intent to use basis), for which no specimen is required. However, should applicant amend the basis to Section 1(b), registration cannot be granted until applicant later amends the application back to use in commerce by filing an acceptable allegation of use with a proper specimen. 15 U.S.C. §1051(c); 37 C.F.R. §§2.76, 2.88; TMEP Chapter 1100. But “Applicant” refused to amend his

application to “intent to use” because he knows it will conflict and the truth will speak for itself that He “Oletu Godswill Hosea wants to trademark “Opposers” Mark. Hence “Applicant” started making false declarations and false claims and can have this proceeding keeping going on and on till he has wasted all “Opposers” resources in view of retaliating back to “Opposer” for denying his 50% equity of “Opposers” business.

EXHIBIT P10, to EXHIBIT P14. Shows applicants response to office action still making false claims for which he received the final office action of denial 2/11/2014. SEE **EXHIBIT P15 to EXHIBIT P17.**

Reasons: This Office action is in response to applicant’s communication filed on January 21, 2014.

In the first Office action, the examining attorney raised the following issue:

1. Conditional refusal based on the specimen of use being merely a photocopy of the drawing or a rendering of the applied-for mark.

In his response, applicant provided a substitute specimen of use. However, applicant failed to provide a substitute specimen that showed use of the mark in commerce for the services specified in the application. Therefore, the failure to function refusal is hereby CONTINUED and MADE FINAL.

FINAL REFUSAL: FAILURE TO FUNCTION

Registration is refused because the applied-for mark, as used on the specimen of record, does not function as a service mark to identify and distinguish applicant's services from those of others and to indicate the source of applicant's services. Trademark Act Sections 1, 2, 3 and 45, 15 U.S.C. §§1051-1053, 1127; *see In re Moody's Investors Serv., Inc.*, 13 USPQ2d 2043 (TTAB 1989); *In re The Signal Cos.*, 228 USPQ 956 (TTAB 1986); *In re Hughes Aircraft Co.*, 222 USPQ 263 (TTAB 1984); TMEP §§904.07(b), 1301.02 *et seq.*

The applied-for mark, as shown on the specimen, does not function as a service mark because the substitute specimen of use shows use of the mark for different services than those listed in the application. Specifically, the substitute specimen shows use of the mark in connection with retail store services. However, the services listed in the application are "The bringing together, for the benefit of others, of a variety of goods and services, enabling customers to conveniently view and purchase those goods and services from an Internet web site particularly specializing in the marketing of the sale of goods and services of others." This service does not cover retail store services, and applicant cannot amend the identification to retail store services. Therefore, the specimen is not acceptable to show use for the services in this application.

The specimen of record, along with any other relevant evidence of record, is reviewed to determine whether an applied-for mark is being used as a service mark. *In re Volvo Cars of N. Am., Inc.*, 46 USPQ2d 1455, 1458 (TTAB 1998). Not every word, design, symbol or slogan used in the advertising or performance of services functions as a mark, even though it may have been adopted with the intent to do so. *See* TMEP §1301.02. A designation cannot be registered unless purchasers would be likely to regard it as a source-indicator for the services. *Id.*; *see In re Moody's Investors Serv. Inc.*, 13 USPQ2d 2043, 2047-49 (TTAB 1989).

Because the applied-for mark, as used on the specimen of record, does not function as a service mark to identify and distinguish applicant's services from those of others and to indicate the source of applicant's services, registration is refused under Trademark Act Sections 1, 2, 3 and 45.

If applicant cannot satisfy the above requirements, applicant may amend the Section 1(a) filing basis (use in commerce) to Section 1(b) (intent to use basis), for which no specimen is required. However, should applicant amend the basis to Section 1(b), registration cannot be granted until applicant later amends the application back to use in commerce by filing an acceptable allegation of use with a proper specimen. 15 U.S.C. §1051(c); 37 C.F.R. §§2.76, 2.88; TMEP Chapter 1100.

EXHIBIT Y1, EXHIBIT Y2, and EXHIBIT Y3: Communication between "Applicant" Godswill Oletu Hosea and Examining Attorney Marcie Frum Milone, which "Applicant" deceived the Examining Attorney, The USPTO into believing that he is the owner of the Mark ZENITHMART and that his description of goods and services represents the Mark for which he is applying to register and that he has been using the Mark in commerce under his domain www.zenithmart.com since 2008. This lead to the Examining Attorney approving "Applicants" false trademark application for registering leading to this Opposition which "Applicant" started abusing, damaging and causing huge financial loss for "Opposer" the rightful owner of the Mark. "Applicants" actions are willfully intentional to damage and destroy "Opposers" business because "Opposer" rejected to give him 50% equity of his business. SEE: **EXHIBIT X4 to EXHIBIT X8.**

EXHIBIT G, EXHIBIT G1, EXHIBIT G2, EXHIBIT G3. - Applicant “Godswill Oletu Hosea adopted the name “**Zenithmart Devices N Fashion Wears**” on Amazon.com and Ebay.com when he could not open either Amazon.com or Ebay.com account with the trade name ZENITHMART because the name has already been taken and belongs to “Opposer” because “Opposer” has been using the trade name **ZENITHMART** as Amazon Retailer and also Ebay Retailer long before Applicants trademark application of 09/18/2013 and even before “Applicant” launched his Affiliate website under the domain name www.zenithmart.com . **SEE EXHIBIT E1 and EXHIBIT E2 (“Opposers” Amazon & Ebay retailer account pages with name ZENITHMART)**

EXHIBIT XH3 and EXHIBIT XH4 – “Applicant” Godswill Oletu Hosea, in his desperate attempts to falsely deceive the USPTO and TTAB to illegally claim “Opposers” Mark, started falsifying paper works, editing them and adding ZENITHMART to site links, copying and pasting ZENITHMART on pages. **SEE EXHIBIT D1.**

EXHIBIT R, EXHIBIT R1, EXHIBIT R2. – This shows “Opposers” officer Tochukwu Mbiamnozie, explaining and analyzing “Applicants” Godswill Hosea Oletu’s Answer on TTAB to “Opposers” previous counsel Adam Weiss and Tedd Van Buskirk.

EXHIBIT V – This shows that “Applicant” Godswill Oletu Hosea, has been deceiving and misleading the USPTO and TTAB even to the point of claiming to be Pro-Se (representing himself) but was for long getting outside legal help who is taking care of the TTAB proceedings for him.

Accordingly to “Opposers” Zenith-Mart Inc., previous counsel, Adam Weiss, “ The Interlocutory Attorney told Godswill Oletu, while he is pro se, it is clear that Oletu Godswill is getting some outside help (Oletu did not respond to this comment) (Silence is acceptance). **EXHIBIT V**. explains it all.

EXHIBIT 200, EXHIBIT 201 and EXHIBIT 202 – Shows “Opposers” previous counsel’s cease and desist letter to “Applicant” Godswill Oletu Hosea advising him to retract his steps from infringing on “Opposer’s” Mark as his actions constitutes trademark infringement and unfair competition under the Lanham Act, including under 15 U.S.C § 1125 for which Zenith-Mart, Inc. is entitled to an injunctive relief and an award among others damages (including treble damages), attorney’s fees and transfer of the www.zenithmart.com domain name to “Opposer” ZenithMart but because of “Applicants” selfish interest and desperate and retaliatory actions towards “Opposer” for not giving him 50% equity of “Opposers” company, willfully proceeded with his application to make sure he damaged “Opposers” Mark and business and cause huge potential financial loss to “Opposer” Zenith-Mart Inc.

EXHIBIT 2A, EXHIBIT 2B and EXHIBIT 2C. – Opposers officer Tochukwu Mbiamnozie, contacted Jura C. Zubas and Robert P. Feinland of Wilson Elser Moskowitz Edelman & Dicker

LLP (11/06/2015) to advise “Opposer” regarding this trademark proceeding and which Attorney Jura C. Zubas after examining the case advised to contact “Applicant” to see the best way to resolve this and for “Applicant” to stop abusing and damaging “Opposer’s” mark but “Applicant” in his indecent manner responded to “Opposer’s” Motion for extension of time making false claims of being harassed by “Opposer” and his counsels.

EXHIBIT 1 to EXHIBIT 92 and EXHIBIT Z1 to EXHIBIT Z7 shows and proves beyond every reasonable doubt that “Opposer” Zenith-Mart, Inc. is the rightful and legal owner of the Mark ZENITHMART and that “Applicants” application for trademark registration should be invalidated and nullified.

In view of all these EXHIBITS and evidences brought before the United States Patent and TradeMark Office and the TradeMark Trial and Appeal Board against “Applicant” Oletu Godswill Hosea whose willful intent was to intentionally destroy and damage “Opposers” business through making false claims and declarations punishable under 18 U.S.C Section 1001 and his trademark Application of 09/18/2013 with serial number 86067598 invalidated and voided, “Opposer” now ask the board, can they because “Applicant” Godswill Oletu Hosea who has willfully caused potential damage and huge financial loss in cash flow to “Opposer” to the extent of “Opposer” not having the financial capacity to hire and retain an Attorney to represent “Opposer” before the Board or before a Federal Court 15 U.S.C. § 1125(a)(1)(B) for which “Opposer” can file a civil action at any time against “Applicant” will the board deny Opposer rights to his mark and give “Opposer default judgement or will the Board in its power and capacity after having investigated and scrutinized all this exhibits and

evidences proceed with an uncontestable judgement to nullify and invalidates “Applicants” Godswill Oletu Hosea’s trademark application and registration.

PRAYER FOR RELIEF

WHEREFORE, Opposer prays that the Board grant its motion to re-open and with its authority and power with all the facts provided herein to exercise the statute of **§ 6.7 Motions to Dismiss Under FRCP 12(b)(6)**, Trademark Act § 18, [15 U.S.C. § 1068](#) and 18 U.S.C Section 1001 to have “Applicants” Godswill Hosea Oletu’s Application with serial number 86067598 and opposition number 91216725 rejected, denied registration, Invalidated and cancelled in connection with all the services identified therein and that the Mark therein sort for such services be denied and refused registration pursuant to 18 U.S.C Section 1001 for which “Applicant” is answerable and default to. If however the board in its discretion wishes to proceed with this proceedings which will be a waste of the Boards time because “Applicant” Godswill Hosea Oletu will keep making false claims, falsifying evidences to desperately claim “Opposer’s” mark, “Opposer” now prays that the Board should suspend this proceedings for resumption after 180 days to give “Opposer” enough time to raise outside funds to appoint an Attorney or law firm that will represent “Opposer” in this proceedings or to initiate a civil action in a Federal Court. 15 U.S.C. § 1125(a)(1)(B).

Dated this 28th Day of April, 2015

Respectfully Submitted,

Signed /Tochukwu Mbiamnozie/

Tochukwu Mbiamnozie

Zenith-Mart Inc

30 Wall Street Fl 8,
New York, NY 10005

CERTIFICATE OF FILING

The undersigned hereby certifies that a copy of this MOTION TO RE-OPEN, TO SUSPEND PROCEEDINGS FOR RESUMPTION AFTER 180 DAYS AND TO VOID, INVALIDATE AND CANCEL APPLICANTS TRADEMARK REGISTRATION WITHOUT CONTEST, CONSIDERATION OR APPEAL WHATSOEVER, was filled electronically through the TTAB's ESTTA (Electronic System for Trademark Trials and Appeals) system on April 28, 2015

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 28th day of April, 2015, a true and complete copy of the foregoing MOTION TO RE-OPEN, TO SUSPEND PROCEEDINGS FOR RESUMPTION AFTER 180 DAYS AND TO VOID, INVALIDATE AND CANCEL APPLICANTS TRADEMARK REGISTRATION WITHOUT CONTEST, CONSIDERATION OR APPEAL WHATSOEVER was served upon "Applicant" by electronic email transmission.

Email: oletu@oletu.com, ogodswill@yahoo.com, trademark@zenithmart.com

Signed /Tochukwu Mbiamnozie/

Tochukwu Mbiamnozie

Zenith-Mart Inc

30 Wall Street Fl 8,

New York, NY 10005

City Guide

Zenith-Mart, Inc

303 E 54th St Ste. 2

Brooklyn, NY 11203

Hours: Mon-Fri 9am-5pm, Sat 9am-3pm, Sun Closed,
Open 7 Days, 24 Hour Emergency Service Available

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EXHIBIT - 37

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July 2014



EXHIBIT - X4 Note: At the time of first and second office action denial by examining Attorney, Applicant Oletu Hosea Godswills does not have this Affiliate site and even at Applicants time of applying for trademark September 18, 2013, applicant has no functioning website not using mark in commerce. Oletu lied to the USPTO, Examining Attorney and TTAB

shop right, live happy.

Search All Products Search Advanced Search Sitemap View Cart Checkout

Location: Home 3/13/2015

- Categories**
- Electronics
 - Office Products
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 - Software
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 - PC & Video Games
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 - Tools & Hardware
 - Musical Instruments
 - Arts & Crafts
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 - Music
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- Subcategories**

Sort by Relevance Go

Showing items 1-10 of 4514

Previous 1 2 3 4 5 6 7 8 9 10 Next View All Items »

VIZIO E420i-A0 42-Inch 1080p 120Hz Smart LED HDTV

Brand: VIZIO

List Price: \$479.99

Buy New: **\$448.00**

as of 1/5/2014 02:19 MST details

You Save: \$31.99 (7%)

Qty 1 In Stock

Buy now

enlarge

Samsung UN40EH5300 40-Inch 1080p 60Hz LED HDTV, Black

Brand: Samsung

Buy New: **Too low to display**

as of 1/5/2014 02:19 MST details

enlarge

January 5, 2014 - This shows applicants actual use of Mark in commerce after first Office action denial following second office action denial as Applicant Oletu Hosea Godswill presented a sketch and non actual use of Mark in commerce as identified by Examining Attorney. Oletu hurriedly set up this Amazon affiliate commission site to trick examining attorney into believing he has been using this domain www.zenithmart.com and affiliate site consistently in commerce since 2008 as indicated in his trademark application with serial number 86067598 and Opposition number 91216725

Samsung UN32EH5300 32-Inch 1080p 60 Hz Smart LED HDTV (Black)

Brand: Samsung

Buy New: **Too low to display**

as of 1/5/2014 02:19 MST details

enlarge

VIZIO E-Series E241i-A1 24-Inch 1080p 60Hz LED Smart HDTV (tilted base)

Brand: VIZIO

List Price: \$199.99

Buy New: **\$192.95**

as of 1/5/2014 02:19 MST details

enlarge

Qty 1 In Stock

Buy now

New (2) Used (11) Refurbished (3) from \$289.95

Release Date: March 18, 2012

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EXHIBIT - 40
Opposers use of Mark in commerce July 1, 2012 before contacting applicant in August 2013 to sell domain www.zenithmart.com which applicant accepted but demanded 50% equity of Opposers business and when Opposer Zenith-Mart Inc rejected, Applicant Oletu Hosea Godswill went behind opposer to apply to register Opposers Mark knowing too well Opposer has been using Mark in commerce.
Applicant lied in his application of September 18, 2013 with serial number 86067598 and Opposition number 91216725 to be using Mark in commerce as early as 2008 which is patently false.
Make reference to EXHIBIT -X, EXHIBIT - X1, EXHIBIT - X2, EXHIBIT -X3 which proves Applicants domain name www.zenithmart.com was parked free, non functioning, non use in commerce or selling of goods and services which Applicant could not identify in his description of goods and services in trademark application serial number 86067598 and Opposition number 91216725
Apparel & Jewelry
Clothing

Coming Soon - check back!

This domain is parked free, courtesy of

zenithmart.com

EXHIBIT -X2

Is this your domain?

Add hosting, email and more.

GO



UNICPage.com

Your online source for affordable domain service.

This shows the record of applicant Oletu Godwills domain www.zenithmart.com dead and parked free - abandoned - non use of mark in Commerce as claimed by Oletu in trademark application with serial number: 86067598 and Opposition number 91216725. This is July 21 2013.

Applicants claim of consistently using Mark in commerce since 2008 in trademark application is patently false. Applicant is hiding this evidence and cannot provide it nor rely on it thus

Your Domain Name Search Starts Here:

Enter a domain name:

www.

.com

SEARCH NOW!

Compare our prices! (per year)

	1 year	2 year	3 year	5 year
.com	\$9.99	\$9.99	\$9.99	\$9.99
.net	\$10.99	\$10.99	\$10.99	\$10.99
.org	\$12.99	\$12.99	\$12.99	\$12.99
.biz	\$11.99	\$11.99	\$11.99	\$11.99
.info	\$9.99	\$9.99	\$9.99	\$9.99
.us	\$9.99	\$9.99	\$9.99	\$9.99
.ws	\$12.99	\$12.99	\$12.99	\$12.99

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- Identity theft
- Cyber stalkers
- And Worse...



Private registration keeps your personal data out of the public record.

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Opposer ZENITH-MART INC adopts it as evidence to prove Applicant Oletu has been deceiving, misleading and patently falsifying evidences to desperately take and register Opposers Mark.

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www.zenithmart.com
EXHIBIT - X3

Is this your domain?
 Add hosting, email and more. **GO**

June 7, 2013 - This shows the record of applicant Oletu Godwills domain www.zenithmart.com dead and parked free - abandoned - non use of mark in Commerce as claimed by Oletu in trademark application with serial number: 86067598 and Opposition number 91216725.
 Applicants claim of consistently using Mark in commerce on domain (www.zenithmart.com) since 2008 in trademark application is patently false. Applicant is hiding this evidence and cannot provide it nor rely on it

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Enter a domain name:

www. .com

SEARCH NOW!

Domain Transfers also available!
 Check out our **LOW PRICES!**

Compare our prices! (per year)

	1 year	2 year	3 year	5 year
.com	\$9.99	\$9.99	\$9.99	\$9.99
.net	\$9.99	\$9.99	\$9.99	\$9.99
.org	\$11.99	\$11.99	\$11.99	\$11.99
.biz	\$11.99	\$11.99	\$11.99	\$11.99
.info	\$9.99	\$9.99	\$9.99	\$9.99
.us	\$9.99	\$9.99	\$9.99	\$9.99
.ws	\$12.99	\$12.99	\$12.99	\$12.99

PROTECT YOURSELF AGAINST:

- Domain-related spam
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- Cyber stalkers
- And Worse...



Private registration keeps your personal data out of the public record.

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thus Opposer ZENITH-MART INC - adopts it as evidence to prove Applicant Oletu Hosea Godswill has been deceiving and misleading the Examining Attorney, the USPTO and TTAB Board and patently falsifying evidences to desperately take and register Opposers Mark.

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Zenith-Mart Inc

EXHIBIT - 41

57 followers

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Our level of customer service is an aspect we're truly proud of. With round the clock online chat availability, our customer service representatives are present to help you enjoy your online shopping experience. Whether customers have questions about the checkout process or if they need help getting more information on a product or products, our reps are available at your beck and call. Why wait? Visit us today at: <http://www.zenithmart.us>

Specialties

Electronics, Vacuums, Computers, Beauty products, Laptops & Notebooks, Hair, Television, Tablet PCs, Digital Cameras, Refrigerators, Shoes, Air-conditions, Jewelry, Desktops

Website

<http://www.zenithmart.us>

Industry

Retail

Type

Privately Held

Zenith-Mart Inc employees

2 Employees on LinkedIn

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EXHIBIT - 42

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- > Digital Satellite (D)

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See The Secret She Hid From The World

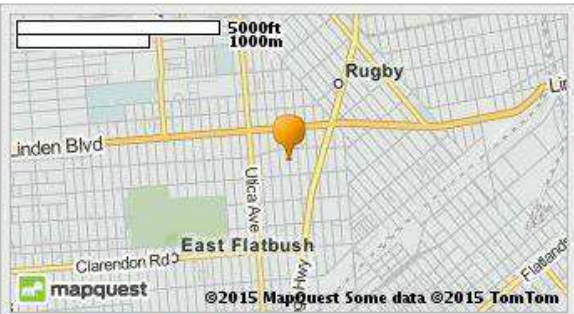
Zenith-Mart Inc

★★★★★

Overall (2)





30 Wall St 8th Fl
New York, NY 10005
(800) 647-2923

EXHIBIT - 43



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GENERAL INFO:

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Welcome to ZenithMart your one-stop, online shop for computers, electronics and general merchandise. As you browse our ever-evolving selection of topnotch products, you're going to delight in the differences that make our store stand apart from others in the online arena. ZenithMart was founded in April 2012 with the mission of delivering a winning online solution for those in the market to buy electronics, computers and a variety of other products. From Day One, we've committed ourselves to taking a four-prong approach to ensure our customers receive only the very best in products, pricing and service. That approach has enabled ZenithMart to grow exponentially since we began our venture and has allowed us the privilege of earning customer respect and loyalty. So, what sets ZenithMart apart? Quality Products Without Exception At ZenithMart, we only offer computers, electronics and general merchandise items that have been carefully vetted for quality. With products created by such trusted names as Hewlett Packard, Canon, Samsung and Apple, find an unparalleled selection and customer service solutions for your needs.

U.S. > New York, NY > Computer Hardware > Computers and Computer Peripheral Equipment and Software > Computers, Neo > Zenith-Mart Inc

Zenith-Mart Inc

ZenithMart



30 Wall Street Fl 8
New York, NY 10005 - [View Map](#)
Phone: (917) 722-0751
Email: info@zenithmart.us
Web: www.zenithmart.us



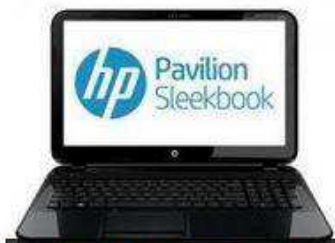
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Tochukwu Mbiarnozie updated this company profile

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EXHIBIT - 44

Additional Information



Map



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Monday	9:00 AM - 11:00 PM
Tuesday	9:00 AM - 11:00 PM
Wednesday	9:00 AM - 11:00 PM
Thursday	9:00 AM - 11:00 PM
Friday	9:00 AM - 11:00 PM
Saturday	9:00 AM - 11:00 PM

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Contact Information

mapquest

EXHIBIT - 45

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30 Wall St, 8TH FLOOR, New York, NY 10005



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 - Accessories
 - Automotive Electronics
 - Computer Accessories
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 - Monitor & Projector
 - Networking
 - Office Machines & Supplies
 - Personal Electronics
 - Portable Electronics
 - Software
 - TV & Video
- Apparel, Shoes & Jewelry
 - Accessories
 - Clothing
 - Footwear

EXHIBIT - 46

Opposers use of Mark in commerce MARCH 2, 2013 before contacting applicant in August 2013 to sell domain www.zenithmart.com which applicant accepted but demanded 50% equity of Opposers business and when Opposer Zenith-Mart Inc rejected, Applicant Oletu Hosea Godswill went behind opposer to apply to register Opposers Mark knowing too well Opposer has been using Mark in commerce.

Applicant lied in his application of September 18, 2013 with serial number 86067598 and Opposition number 91216725 to be using Mark in commerce as early as 2008 which is patently false.

Make reference to EXHIBIT -X, EXHIBIT - X1, EXHIBIT - X2, EXHIBIT -X3 which proves Applicants domain name www.zenithmart.com was parked free, non functioning, non use in commerce or selling of goods and services which Applicant could not identify in his description of goods and services in trademark application serial number 86067598 and Opposition number 91216725

https://web.archive.org/web/20130302074833/https://www.zenith-mart.com/

Restore Session x Laptop Computers, Deskto... x

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EXHIBIT - 47

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Apparel, Shoes & Jewelry
Automotive, Tools & Industrial
Games, Movies & Music
Health & Beauty
Home, Garden & Living
Kids, Baby & Toy
Outdoor & Sports

Opposers Mark consistently used in commerce

0 ITEM(S) / TOTAL: VIEW CART

HP 6570b i5 3210M 15.6 Win8
HP 6570b i5 3210M 15.6 Win8
\$927.72

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EXHIBIT - 48 24/7 Customer Service & Agent Chat Feedback

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ELECTRONICS

Electronics & Computers
Apparel, Shoes & Jewelry
Automotive, Tools & Industrial
Games, Movies & Music
Health & Beauty
Home, Garden & Living
Kids, Baby & Toy
Outdoor & Sports

Opposers mark consistently used in applicants trademark application MAY 7, 2013



0 ITEM(S) / TOTAL: VIEW CART



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near

New York, NY 10005

Autos

Home & Garden

Real Estate

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Electronics | Computer Stores | Home & Garden

EXHIBIT - 49

Zenith-Mart Inc

917-722-0751

30 Wall St Fl 8 New York, NY 10005 - Directions

www.zenithmart.us

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PAYMENT: American Express, Diners Club, Discover, Financing, MasterCard, Visa

5.0

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EXHIBIT - 50

Zenith-Mart Inc.

30 Wall St Fl 8 , New York , NY 10005
(917) 722-0751

HOURS: Today 12:00 AM-11:59 PM

DIRECTIONS

WEBSITE

7.9K



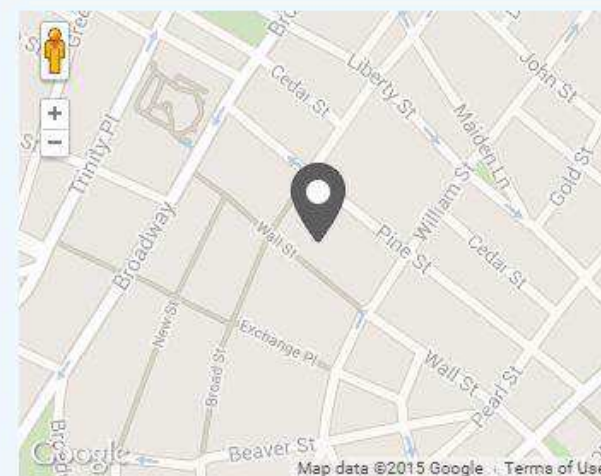
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DESCRIPTION

ZenithMart.us is a U.S online retail store that carries and sells the best Electronics, Computers, Laptops, Android Tablets, Laser Printers, Security Cameras, Video Games, Sporting Goods, Appliances, Hardwares and a whole lot more. We carry a large variety of products and offer expedited 1-3 days shipping on all orders. Our products are reasonably priced up to 50% off. Visit us today

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EXHIBIT - 52



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1. [925e](#) ★★★★★

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2. [Zenithmart - Online Diamond and Gold Jewelry Store](#)

Online jewelry store for your diamond womens jewelry, mens diamond jewelry, watches for men, watches for women and more. Visit us today.

<http://www.zenithmart.us>

Rating: [0.00] Votes: [0] | Jun 23, 2014

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3. [Brilliance - Diamonds and Engagement Rings](#) ★★★★★ **POP!**

Online retailer of engagement rings, wedding rings, diamond jewelry, loose diamonds, and certified diamonds. Brilliance also provides expert tips and advice on selecting the perfect diamond and engagement ring.

<http://www.brilliance.com>

Rating: [10.00] Votes: [1] | May 26, 2009

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4. [Extreme Body Jewellery - Flesh Tunnels and Flesh Plugs](#) ★★★★★ **POP!**

Body jewelry shop for flesh tunnels, flesh plugs and all large gauge body jewelry.

<http://www.extreme-body-jewellery.co.uk>

Rating: [10.00] Votes: [3] | Dec 6, 2006



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**EXHIBIT - 53**

VALENTINE'S DAY PROMOTIONAL IDEAS FOR YOUR BUSINESS

Author: Wendy Webb Date: February 13, 2015

Want to go beyond candy and flowers to promote your business? Here are five ideas.

Out of ideas for great Valentine's Day promotions? Here's how five small businesses have drummed up excitement.

Social Media Contest

Last February, e-tailer Zenith-Mart Inc. ran a month-long social media contest that urged customers, followers and fans to follow the company on Facebook and Twitter and refer their friends. The customer who got the most people to follow Zenith-Mart received any item of their choice (worth \$350) through the company's website.

"We started this in February 2014, and we will continue to do it year after year to reward our customers and loyal fans for their patronage and loyalty," says Zenith-Mart's president and CEO, [Tochukwu Mbiamnozie](#).

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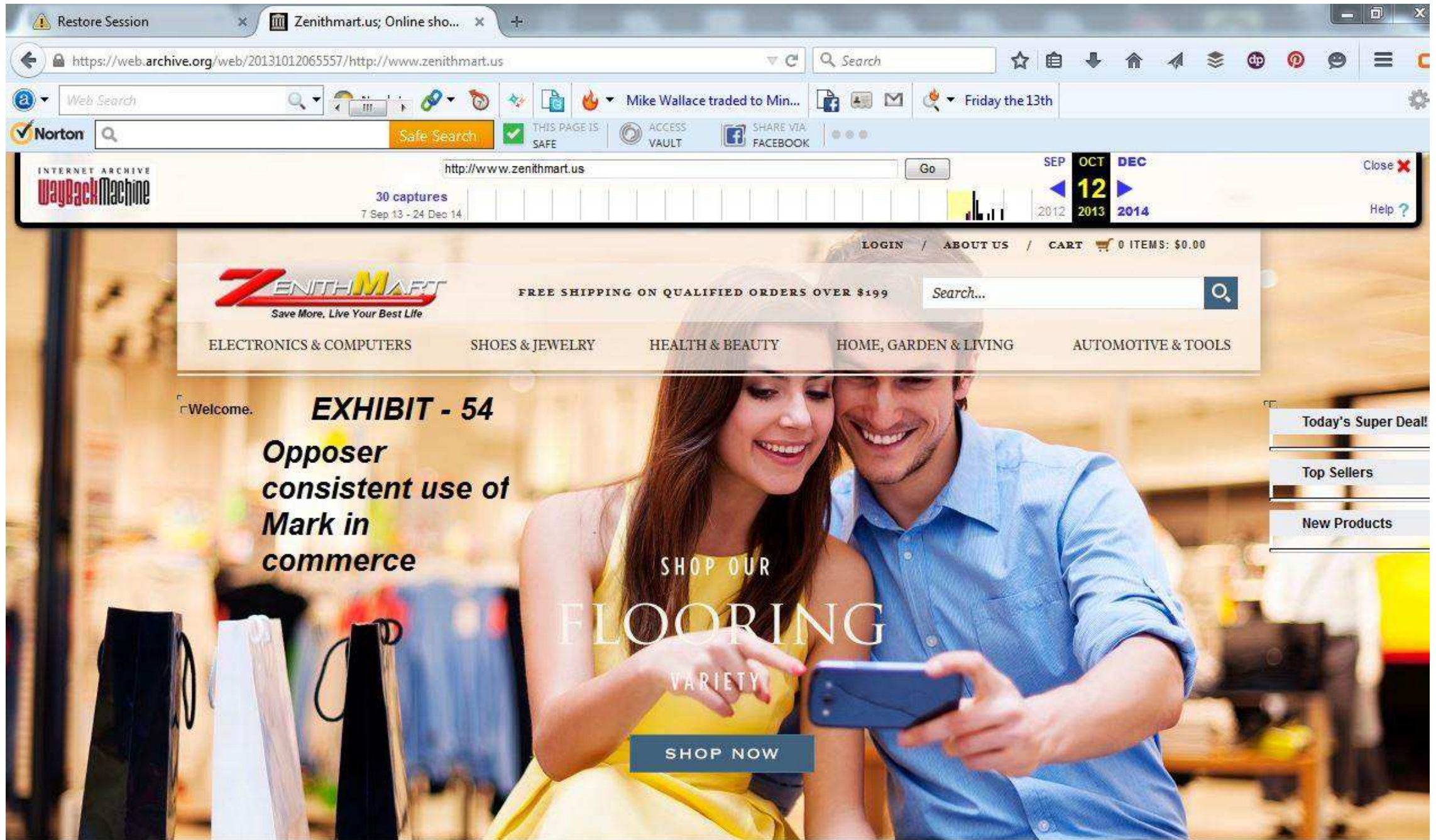
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zenithmart

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Items for sale (0)

See all items

Start selling on eBay today.

My Collections (0)

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Create collections to showcase your style or organize your favorite finds.

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EXHIBIT - 55



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New York, NY www.zenithmart.us

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14

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With Unique Product Line and Fast Shipping, Zenith Mart is set to Break Sales Records this Shopping Season



Breaking News: Zenithmart.us sets the records this holiday season. Offers unique product line, Expedited 1-3 days shipping, secured shopping and lots of Amazing deals to its customers

Journalists and Bloggers



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NEW YORK, Nov. 28, 2014 /PRNewswire/ -- Holiday shopping season is here, and avid shoppers across the U.S. are lining up for the best deals, starting on Black Friday, and Cyber Monday to Christmas. But while consumers are anticipating discounts and impressive deals on their favorite products, one ecommerce store claims to be way ahead of them.



Zenith-Mart Inc #11585

President, Zenith-Mart Inc

@zenithmart

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www.prweb.com/releases/2014_zenithmart/online_retailer/prweb11683037.htm

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Online Visibility from Vocus

EXHIBIT - 58

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Friday, March 13, 2015

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Consumer Electronics Retailer ZenithMart Announces February 2014 Contest Winner

Fans of the online consumer electronics retailer ZenithMart are helping spread the word while earning a chance to win big.

New York, NY (PRWEB) March 19, 2014

Companies are not always noted for taking time out to thank their customers and supporters for their success. But ZenithMart, America's online electronics retailer, isn't your average company.

Shopper Adam Irlander found this out firsthand on March 15, when ZenithMart named him the winner of its February 2014 social media contest. For telling his friends, family and co-workers all about the ZenithMart difference via Facebook and Twitter, Irlander won a \$350 shopping spree.

"ZenithMart was created to provide shoppers like Adam Irlander an alternative to retail giants that often put profits ahead of service and quality," said Tochukwu Mbiamnozie, the company's founder, president and CEO. "We wanted to launch a store people would be happy to shop at and proud to tell their friends about. We knew we were on the right track when we opened our virtual doors to instant success, but the ground swelling of support from consumers has been humbling."

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in

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Wow! I won ZenithMart's Online Social Medi...

0:00 / 1:21

YouTube

ZenithMart

Contact

Tochukwu Mbiamnozie

Zenith-Mart Inc

+1 8006472923 Ext: 101

Email

@zenithmart

since: 11/2013

Follow

Zenith-Mart, Inc.

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ZenithMart Announces February Social Media Contest

The online electronics and general merchandise retailer, ZenithMart, is hosting a social media contest through the month of February for a chance to win an item of their choice (up to a \$350 value).

New York, NY (PRWEB) January 30, 2014

ZenithMart, an ecommerce retailer of brand name electronics, computers, jewelry, and other merchandise items, announced today their February Social Media Follow Contest beginning February 1 through February 28. The month-long contest will feature one grand prize winner who will receive an item of their choice from ZenithMart, up to a \$350 value.

Starting February 1, online bargain shopping fanatics can begin signing up on the Facebook contest page for a chance to win. The person who refers the most people to like ZenithMart's Twitter or follow ZenithMart's Facebook Fan Page will win. The contest ends on February 28, 2014 at midnight EST.

Each referral submitted counts as one entry for a contestant. Only qualified entries will count toward the contestant's total referrals. To enter a qualified entry, the referred person must also like or follow the ZenithMart Twitter or Facebook Fan Page. Contestants can enter as many times as they wish.

Tweet Like +f in Share Pin it EMAIL



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@zenithmart
since: 11/2013
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Zenith-Mart, Inc.
since: 05/2013
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America's Online Retailer ZenithMart Expands its Jewelry Product Line for Grooms to Dazzle Their Brides This Summer with The Best Quality Diamond and Gold Jewelries

As June wedding season arrives, diamond jewelry stores online are offering promotions to wow brides on their big days. ZenithMart leads the pack with quality, savings and unstoppable service

New York, NY (PRWEB) June 05, 2014

As many couples prepare to say their "I do's" during June's traditional wedding season, ZenithMart is poised to help grooms wow their brides with spectacular wedding day gifts that deliver beauty, quality and savings. Since its launching in 2012, ZenithMart has become one of America's top rated online jewelry stores for those reasons and more.

As one of the few online vintage jewelry stores that also specializes in gold and diamonds jewelries, ZenithMart's collection provides grooms with access to a tremendous selection of items to suit the taste of even the most finicky of brides. Its convenient portal, to-the-door-shipping and reasonable pricing make finding just the right diamond necklaces online or other gifts to give simple and affordable.

Tweet Like +f in Share Pin it EMAIL



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Tochukwu Mbiannoze: President & CEO:
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Zenithmart.us: Save More, Live Your Best Life.
Online shopping for electronics, computers,
tablets pcs, jewelry, desktop computers, laser
printers, digital printers & more.

U.S. Online Retailer ZenithMart Invites Fans to Get Social for their Favorite Charity

A charity donation of \$200 is on the line in the recently launched electronics and general merchandiser's April social media contest.

New York, NY (PRWEB) April 03, 2014

Thanks to America's fastest-growing online retailer giving to charity has never been easier. Throughout the month of April, ZenithMart customers only need to talk up their favorite store via their social media networks to earn chances to win \$200 for their favorite charity.

Entering the contest couldn't be easier either. All consumers need to do is visit ZenithMart online at <http://www.zenithmart.us> to enter. Bonus entries for the contest, which ends April 30, can be earned by sharing on Facebook, Google+, Twitter, Pinterest and LinkedIn. Newcomers to the ZenithMart family can also earn entries simply by liking the electronics retailer on Facebook and following it on Twitter. Subscribing to the store's YouTube channel also counts as an entry.

"After the overwhelming success of our February Social Media Contest, we decided to keep the momentum going," said founder, president and CEO Tochukwu Mbiannoze. "This time, however, we

Tweet Like +1 Share Pin it EMAIL



Contact

Tochukwu Mbiannoze
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since: 11/2013
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News | January 16, 2014



ZenithMart's New Apps Make Electronics, Computer Shopping A Snap

The online electronics and general merchandise retailer is making it easier for consumers to buy on the go.

New York, NY (PRWEB) - Smart shoppers who want to take advantage of great savings on computers, laptops, jewelry and other products don't have to wait until they get home to enjoy the value ZenithMart delivers. Just in time for the New Year, the company has just rolled out new mobile apps that allow shoppers to take advantage of great deals on all their favorite products anywhere they go.



"We're very excited to offer our customers the ability to shop for electronics, laptops and more on the go," said Tochukwu Mbiannozie, the founder, president and CEO of Zenith-Mart Inc. "We're committed to delivering an outstanding customer experience and our two new

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EXHIBIT - 63

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ZenithMart is Out to Revolutionize Online Electronics, Computers, Jewelry and General Merchandise Shopping

Mon Dec 23, 2013 3:15am EST

* Reuters is not responsible for the content in this press release.

NEW YORK, N.Y., Dec. 23, 2013 (GLOBE NEWSWIRE) -- via PRWEB - Online retail outlets that promise big and deliver little are a dime a dozen. All too often, consumers who want high-quality products, competitive pricing and exceptional service find themselves gravely disappointed – wanting more, but never getting it.

Until now, that is.

Consumers looking for electronics, computers, laptops, cameras, household goods, jewelry and more are invited to experience the ZenithMart difference for themselves. The recently

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EXHIBIT - 64



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Zenith-Mart Inc. Launches its New Online Store To Offer Best-In-Class...

Industry | 25 December 2013, 8:22 am

Staying true to its motto, "Save More, Live your Best Life", ZenithMart has launched its easy to use and secure website for consumers to purchase products at affordable prices.

(PRWeb December 25, 2013)

Read the full story at <http://www.prweb.com/releases/2013/zenithmart/prweb11446806.htm>

Related posts:

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EXHIBIT - 65

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Followers (16)



Zenith-Mart Inc

EXHIBIT - 66

How Small Businesses Can Stay Safe from Cyber Crime

We at [Zenith-Mart Inc.](#) encourage you to buy from us, and one of the reasons we keep on repeating is security. Our website is secure, and all your financial information remains same with us. We put these systems in place because we don't underestimate the threat of cybercrime.

Unfortunately, most small business owners do, and hence they put their hard earned money and the client's security at risk. In the following paragraphs, we list down the threat that cyber criminals pose to small businesses, and how the latter can ensure safety.

Are you too insignificant to be robbed?

Most small businesses think that they are not the target of cyber criminals. They target the 'big dogs'. right? Wrong.

The criminal doesn't discriminate. No business is too small to exploit. In fact, there are several reasons why small businesses are considered more attractive targets for these predators. For instance, online businesses regularly maintain contact details of their customers and subscribers, which are gold for identity thieves.

Here are some statistics to alarm you:

Perception

As many as 85% of small business owners think that they are less prone to cyber crime than enterprises. They also believe that the general security protocols they have on the website are more than enough to meet with any threat. What they shouldn't forget is that a cybercriminal will do after any business that it deems profitable, no matter how large or small it may be. Not to

1 of 2

How Small Businesses Can Stay Safe From Cyber Crime - 66 views

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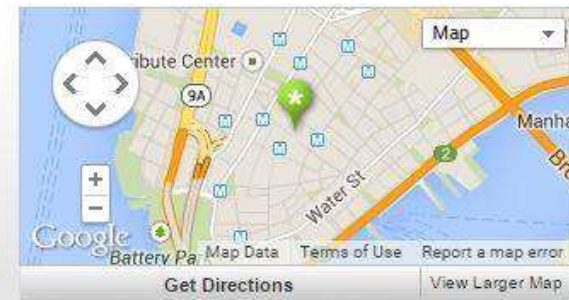
Zenith-Mart Inc

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30 Wall St. Fl8, New York, NY 10005
<http://www.zenithmart.us>
(917) 722-0751 Additional Contacts

ZenithMart.us is a U.S online retail store that carries and sells the best Electronics, Computers, Laptops, Android Tablets, Laser Printers, Security Cameras, Video Games, Sporting Goods, Appliances, Hardwares and a whole lot more. We carry a large va...read more

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EXHIBIT - 69

More Stories

North America | Retail | Small Business

Ask most people to name an online retailer and they'll probably reply with a word beginning with the letter A. But Tochukwu Mbiannoze wants people to consider the other end of the alphabet— and his company, Zenith-Mart. "Save more, live your best life!" is our motto, says Mbiannoze, and he helps customers do that by offering electronics, apparel, household goods and more at affordable prices and with excellent customer service.

Customer Success Story (PDF)

Success Details

Organization Profile

Website: www.zenith-mart.com

Industry: Retail

Employees: 2

Headquarters: Brooklyn New York

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EXHIBIT - 70

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By PR Newswire | 08/27/14 - 09:15 AM EDT

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EXHIBIT - 71

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Zenith-Mart Inc.



Logitech Ultrathin Touch Mouse T630

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Zenith-Mart Inc.



Adesso iMouse T1 Trackball Mouse

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Zenith-Mart Inc.



Verbatim Wireless Mini Travel Mouse Graphite

\$13.17






Zenith-Mart Inc.




Microsoft Basic Optical Mouse

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Zenith-Mart Inc.

New York, NY 10005 [map](#)

Contact Company: 203-864-8926

[Visit Website](#)

EXHIBIT - 72

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Company description by ThomasNet.com

Distributor of electronics and general merchandise. Products include binoculars, telescopes, camcorders, digital cameras, printers, scanners, tripods, monopods, bags, cases, straps, desktop and laptop More...

Product Information

Distributor of laptop computers. Styles, colors, features and dimensions vary. Other products include computer bags/cases, telescopes, GPS devices, digital cameras, printers, scanners and fax machines.

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Company Data

URL: www.zenithmart.us [↗](#)
Employees: 1-9
Activity: Distributor
Year Founded: 2012

Supplier Category List

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Zenithmart.us; Online sho...

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EXHIBIT - 23

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EXHIBIT - 24

Opposers use of Mark in commerce DECEMBER 13, 2012 before contacting applicant in August 2013 to sell domain www.zenithmart.com which applicant accepted but demanded 50% equity of Opposers business and when Opposer Zenith-Mart Inc rejected, Applicant Oletu Hosea Godswill went behind opposer to apply to register Opposers Mark knowing too well Opposer has been using Mark in commerce.

Applicant lied in his application of September 18, 2013 with serial number 86067598 and Opposition number 91216725 to be using Mark in commerce as early as 2008 which is patently false.

Make reference to EXHIBIT -X, EXHIBIT - X1, EXHIBIT - X2, EXHIBIT -X3 which proves Applicants domain name www.zenithmart.com was parked free, non functioning, non use in commerce or selling of goods and services which Applicant could not identify in his description of goods and services in trademark application serial number 86067598 and Opposition number 91216725

Restore Session ZenithMart.us: Official We...

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EXHIBIT - 25
Opposers mark used in commerce and consistently till date.

Our Rewards Program Powered by S Loyalty Login

Restore Session Zenithmart.us: Save More, ...

https://web.archive.org/web/20131227005643/http://www.zenithmart.us/ Search

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WELCOME TO ZENITHMART... Your Best Store for Consumer Electronics and General Merchandise. Most Orders received Before 5:00 PM will be Processed and Shipped Same Day Provided We Have The Product In Stock. You

Welcome.

EXHIBIT - 26
Opposers mark used
consistently in commerce

SHOP OUR
ELECTRONICS
VARIETY

SHOP NOW

Today's Super Deal!

Top Sellers

New Products

HP Business 3437U 12i Win8 Our Price: \$1,926.20
HP Business 810 8G 25 Win8 Our Price: \$2,391.47
HP Commercial Special mt40 16G Our Price: \$860.27
HP Smartbuy EliteBook 1 9470m, 256GB Our Price: \$2,204.76



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Online Business Directory

f Recommend 821

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Zenith-Mart, Inc.

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3

Review?

Business Information



Save more, Live Your Best Life; Electronics, Computers, Jewelry & More

Web Site:



Zenith-Mart, Inc.

Blog:



Zenith-Mart, Inc. Blog

Twitter:



Follow @zenithmart 683 followers

FaceBook:



Zenith-Mart, Inc. on FaceBook

LinkedIn:



Zenith-Mart, Inc. on LinkedIn

Video Channel:



Zenith-Mart, Inc. Video Channel

Email:



info@zenithmart.us

Toll Free:



800-647-2923

Phone Number:



(917) 722-0751

Fax Number:



(917) 722-0750

EXHIBIT - 27



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Design diamond engagement ring or your own diamond jewelry. Jewelry Central...



Roth Collection Ltd

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EXHIBIT - 28



ZenithMart



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Quick Specs

Version: 2.7.3	Total Downloads: 0	Date Added: Dec. 21, 2013	Price: Free; iTunes account required
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Editors' Note: The download button opens the iTunes App Store, where you may continue the download process. You must have iTunes installed with an active iTunes account in order to download and install the software. This download may not be available in some countries.

Publisher's Description

From AppStore:



[Download Manager - Speed up your downloads](#)
OS: Windows XP / Vista / 7 / 8
License: Free





EXHIBIT - 29



Zenith-Mart Inc.

30 WALL STREET 8TH FLOOR NEW YORK, NY 10005

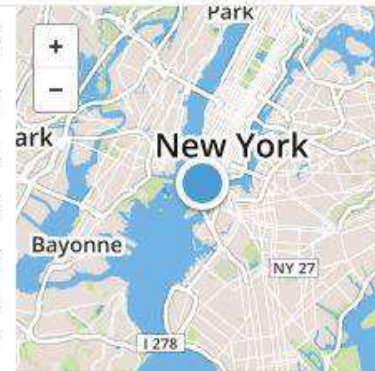
[Get Directions](#)

(800) 647-2923 www.zenithmart.us



Business Info

Founded	2012
Incorporated	NY
Annual Revenue	\$100,000.00
Employee Count	2
Industries	Electronic Shopping
Contacts	Tochukwu Mbiannozie



VIEW ADDITIONAL DATA



Credibility Review



Google



Facebook.com



Yellowbook.com



Bing.com

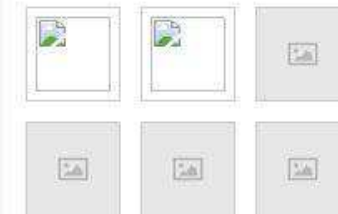


Yellowpages.com

Contact Business

MESSAGE

Photos



Videos



EXHIBIT D1



This Connection is Untrusted

You have asked Firefox to connect securely to **zenithmart.secure2u.com**, but we can't confirm that your connection is secure.

Normally, when you try to connect securely, sites will present trusted identification to prove that you are going to the right place. However, this site's identity can't be verified.

What Should I Do?

If you usually connect to this site without problems, this error could mean that someone is trying to impersonate the site, and you shouldn't continue.

Get me out of here!

Technical Details

zenithmart.secure2u.com uses an invalid security certificate.

The certificate is only valid for the following names:

*.dlaforce.com, dlaforce.com

The certificate expired on 9/6/2014 2:47 AM. The current time is 10/2/2014 5:41 PM.

(Error code: ssl_error_bad_cert_domain)

I Understand the Risks

If you understand what's going on, you can tell Firefox to start trusting this site's identification. **Even if you trust the site, this error could mean that someone is tampering with your connection.**

Don't add an exception unless you know there's a good reason why this site doesn't use trusted identification.

Add Exception...



Zenith-Mart Inc's Amazon.com Today's Deals Gift Cards Sell Help

Back to School,
Back to Amazon > Shop now

Shop by
Department ▾

Search

Zenith-Mart Inc ▾

Go

Hello, Zenith-Mart
Your Account ▾

Try
Prime ▾

Cart ▾

Wish
List ▾

10 results for **Zenith-Mart Inc Storefront**

EXHIBIT E2

Show results for

Brand

Kool King (6)

Haier (2)

HP (1)

MIDEA (1)

 **School Lists**

Add **LYSOL®** to
your SCHOOL LISTS

Find Your School

Sponsored by



Kool King MPG-10CRN1-BH9 10000 BTU Portable AC Remote

~~\$499.99~~ **\$369.01**

★★★★☆ (2)



Haier ESA410K 10,000 BTU Room Air Conditioner

~~\$379.00~~ **\$353.78**

★★★★☆ (15)



Kool King MYPD-12CRN1-BH9 12000 BTU Portable AC Remote

~~\$499.99~~ **\$474.01**



14" Celeron B877 4GB 500GB REF

\$395.63 used & new (1 offer)



Kool King MWK-10CRN1-BJ8 Window Air Conditioner with Remote, 10000 BTU

\$318.66



Kool King MWK-05CMN1-BI7 5000 BTU Mechanical Window AC

~~\$194.05~~ **\$173.58**

★★★★☆ (1)

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grows, service providers are looking for
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Routers and Switch deployment; VoIP
solutions and ICM...

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NAME**

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Use It**

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Oletu Systems LLC is
committed to providing over
1, 000,000 individuals and
companies with internet
solutions, voice, domains,
e-mail service, hosting...

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Partners



EXHIBIT N1

Myrtle Beach Spring Deals

New MB Spring Packages Available. Plan Your Myrtle Beach Vacation!



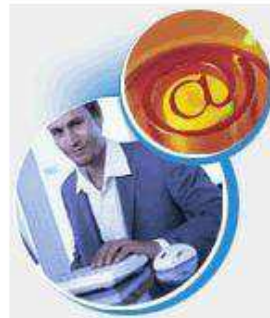
EXHIBIT N2



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About Us



Oletu Systems LLC, is an Information and Telecommunications Technology services company.

Oletu Systems LLC, is committed to providing you with a business-critical data, voice, network and security infrastructures, with an emphasis on service quality and the deployment of highly reliable products.

Oletu Systems LLC, is your single source provider for all your Information Technology and Telecommunication needs, providing specialized services- including evaluation, planning, execution and research.

Oletus Systems LLC, has a skill set that is not duplicated in this market.

Our Company and Services had been positioned as the leading edge and one-stop Information Technology Solutions in the 21st Century. We are a breed apart, we handle Network Integration services for our wide range of clientel. Our area of Speciality includes but not restricted to Cisco High end Routers and Switchdeployment;Voice Over IP (VoIP) solutions and Intelligent Contact Manager (ICM) designs; IBM, Nortel Networking solutions.

Our seasoned and certified professionals have managed many Network Security implementations using Checkpoint Firewall-1 NG, Cisco PIX Firewall, VPN & Security Specialists.

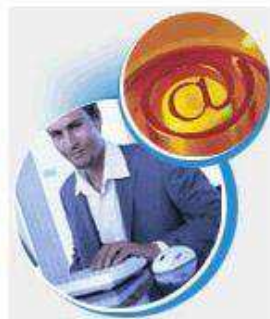
We handle Network Integration services for our wide range of clientel. Our area of Speciality includes but not limited to Cisco High end Routers and Switchd eployment; Voice Over IP (VoIP) solutions and Intelligent Contact Manager (ICM) designs; IBM, Nortel Networking solutions.



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EXHIBIT N3

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This section contains information about the various ways that you may contact us. Feel free to use any of the channels shown below. We at Oletu Systems LLC, look forward to hearing from you!

**370 W Pleasantview Avenue,
STE#2-120
Hackensack , NJ 07601,
USA
Tel.: + 1(951)226-5366**

■ For service information request:

To request a sales information, inquire about any of our services, or to contact any of our marketing staff please contact us at :

✉ **sales@oletu.com**

■ General Information

For all other types of contacts, please

You can reach us by filling out the form below.

Your name:	<input type="text"/>
Email:	<input type="text"/>
Phone :	<input type="text"/>
Country:	<input type="text"/>
Comments:	<input type="text"/>
<input type="button" value="Send"/> <input type="button" value="Clear"/>	

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EXHIBIT - 31

Archive for March 2014

A A+ A++ ☐ Toggle posts

Mar/14
30

Consumer Electronics Retailer ZenithMart Announces February 2014 Contest Winner

Comments off · Posted by admin in Office Printers



New York, NY (PRWEB) March 19, 2014

Companies are not always noted for taking time out to thank their customers

and supporters for their success. But ZenithMart, Americas online electronics retailer, isnt your average company.

Shopper Adam Irlander found this out firsthand on March 15, when ZenithMart named him the winner of its February 2014 social media contest. For telling his friends, family and co-workers all about the ZenithMart difference via Facebook and Twitter, Irlander won a \$ 350 shopping spree.

Search...



Recent Posts

IT Infrastructure, Systems, and Network Management Patents for Sale by ICAP Patent Brokerage & Auctions

Lexmark CS410dn review: colour laser printer is a sturdy page

Coming Soon - check back!
 This domain is parked free, courtesy of

zenithmart.com

EXHIBIT X1 -



UNICPage.com

Your online source for affordable domain service.

This shows the record of Applicant Oletu Godwills domain www.zenithmart.com dead and parked free-abandoned-non use in commerce. February 9, 2011. with no sign of Oletus use of Mark in Commerce as claimed by Oletu in trademark application with serial number : 86067598 and Opposition number: 91216725.

Applicants claim of consistently using Mark in commerce since 2008 is patently false. applicant is hiding this evidence and cannot provide it nor rely on it thus

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SEARCH NOW!

Domain Transfers also available!
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Compare our prices! (per year)

	1 year	2 year	3 year	5 year
.com	\$9.99	\$9.99	\$9.99	\$9.99
.net	\$9.99	\$9.99	\$9.99	\$9.99
.org	\$9.99	\$9.99	\$9.99	\$9.99
.biz	\$9.99	\$9.99	\$9.99	\$9.99
.info	\$9.99	\$9.99	\$9.99	\$9.99
.us	\$9.99	\$9.99	\$9.99	\$9.99
.ws	\$9.99	\$9.99	\$9.99	\$9.99

PROTECT YOURSELF AGAINST:

- Domain-related spam
- Identity theft
- Cyber stalkers
- And Worse...



Private registration keeps your personal data out of the public record.

[Learn how Private Registration Works](#)

Opposer ZENITH-MART INC adopts it as Evidence to prove Applicant Oletu has been deceiving, misleading and patently falsifying evidences to desperately take and register Opposers Mark

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Restore Session

ZenithMart U.S.A - Online ...

https://web.archive.org/web/20140212103559/http://www.zenithmart.us/

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Web Search

Safe Search

THIS PAGE IS SAFE

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SHARE VIA FACEBOOK

Nordstrom

INTERNET ARCHIVE

WayBackMachine

http://www.zenithmart.us/

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30 captures

7 Sep 13 - 24 Dec 14

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AUTOMOTIVE & TOOLS

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Welcome.

EXHIBIT - 32

SHOP OUR
ELECTRONICS
VARIETY

SHOP NOW

Today's Super

Top Sellers

New Products

REVIEWERS LIVE

HP Commercial Smt40 16G
Our Price: \$860.2

HP Smartbuy EliteBook F9470m, 256GB
Our Price: \$2,204.76

HP Business 3437U 128 Win8
Our Price: \$1,926.20

HP Business 810 8G 25i Win8
Our Price: \$2,391.47

Restore Session Zenith-Mart.com: Best Stor... +

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 - Personal Electronics
 - Portable Electronics
 - Software
 - TV & Video
- Apparel, Shoes & Jewelry
 - Accessories
 - Clothing
 - Costumes

EXHIBIT - 33

Opposers use of Mark in commerce February 16, 2013 before contacting applicant in August 2013 to sell domain www.zenithmart.com which applicant accepted but demanded 50% equity of Opposers business and when Opposer Zenith-Mart Inc rejected, Applicant Oletu Hosea Godswill went behind opposer to apply to register Opposers Mark knowing too well Opposer has been using Mark in commerce.

Applicant lied in his application of September 18, 2013 with serial number 86067598 and Opposition number 91216725 to be using Mark in commerce as early as 2008 which is patently false.

Make reference to EXHIBIT -X, EXHIBIT - X1, EXHIBIT - X2, EXHIBIT -X3 which proves Applicants domain name www.zenithmart.com was parked free, non functioning, non use in commerce or selling of goods and services which Applicant could not identify in his description of goods and services in trademark application serial number 86067598 and Opposition number 91216725



Hours: **Open** (Show more) Credit Cards: **Yes** (incl. Discover & Visa)
Wi-Fi: **Free**

Total Visitors	Total Visits
1	1



A photograph of the Apple Store on Fifth Avenue, showing the iconic glass facade and the large Apple logo mounted on the building. The building is a tall, modern skyscraper with a grid-like pattern of windows.

"Try to avoid going during reg business hours as it



EXHIBIT - 35



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Local



Zenith-Mart Inc

New York, NY
(917) 722-0751
zenithmart.us

Computer Store
Today 8:00 am - 11:00 pm

+ Follow

14 followers | 54,621 views



About

Contact Information

Review Summary

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About 80,200 results (0.40 seconds)

ZenithMart.us: Official Website of Zenith-Mart Inc

www.zenithmart.us/

ZenithMart.us is a U.S online retail store that carries and sells the best Electronics, Computers, Laptops, Android Tablets, Laser Printers, Security Cameras, ...

1 Google review · Write a review · Google+ page

New York, NY
(917) 722-0751

ZenithMart is Out to Revolutionize Online Electronics ...

www.reuters.com/.../idUSnGNX5VQds9+1d8+GNW20131223 Reuters

Dec 23, 2013 - Consumers looking for electronics, computers, laptops, cameras, household goods, jewelry and more are invited to experience the ZenithMart ...

You visited this page.

Zenithmart.us - New York, New York - Computer Store ...

https://www.facebook.com/zenithmart

Zenithmart.us, New York, New York. 7844 likes · 4 talking about this · 38 were here.
Official Facebook page of www.zenithmart.us.

Zenith-Mart Inc | LinkedIn

https://www.linkedin.com/company/zenith-mart-inc LinkedIn

ZenithMart.us is a U.S online retail store that carries and sells the best Electronics, Computers, Laptops, Android Tablets, Laser Printers, Security Cameras, ...

Tochukwu Mbiannoze: President & CEO: Zenith-Mart Inc ...

https://www.linkedin.com/in/tmbiamnozie

New York, New York - Owner at Latest Laptop Computers

EXHIBIT - 36

Opposer has huge online reputation and influence. Applicant Oletu Hosea Godswill is damaging Opposers Mark, causing confusion and unfair competition and trade practices. Deceiving Opposers customers and directing them to his site hence willfully damaging Opposer business



Zenith-Mart Inc
Computer Store
Address: New York, NY
Phone: (917) 722-0751
Hours: Open today - 8:00 am - 11:00 pm
Reviews
1 Google review

Feedback

Brooklyn Forum > Review: Zenith-Mart Inc

Review: Zenith-Mart Inc

Posted in the Brooklyn Forum

EXHIBIT - 73

Leave a Comment

Track Replies



Searching for **Review: Zenith-Mart Inc?**

I. Zenith Watches on Sale

Exciting Selection - Amazing Deals.
100% Genuine 2YR Warranty Free S/H
ashford.com/zenith_watches

Searching for **Review: Zenith-Mart Inc?**

II. Zenith Mart Inc

Search for Zenith Mart Inc Look Up
Quick Results Now!
wow.com/zenith_mart_inc
Fix Windows files quickly & easily to open
them. Download now.
www.fixthisfile.com

III. Fix MART File



Chirika | Opt out?

COMMENTS

1 - 1 of 1 Comments | Last updated Apr 8, 2014

Annmarie m
Bridgeport, CT

#1 | Apr 8, 2014

Zenith Mart is such an awesome company. I am very impressed with how efficient and quick their [customer service](#) responded to my chat request and the great [selection of](#) products they have. I would recommend this [online](#) delight to anyone looking for a great deal on a secure site.

Judge it! Report Abuse Reply »

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30 Shocking Celebrities Who Used To Be Smoking Hot

tumblr.

EXHIBIT - 74

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mouseworldnow

New Post has been published

zenithmart



Q

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A blog that provides relevant information about current events, business and consumer news to educate readers on how-to instructions, tips and advice on electronics, computers, jewelry, shoes & more

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Thanksgiving is the time whether you look at life in a positive light and appreciate everything that you have in terms of health, possessions, and most importantly, relationships. But while there are people out there being grateful for things like pizza and the bumps dividing lanes on the freeway, there is one thing that will not be named on a Thanksgiving table: Black Friday.

On the one hand, Black Friday is supposed to be a great thing, helping people get their favorite products at insanely low prices. But on the other hand, it is actually feeding the very consumer culture that people take a break from on occasions like Thanksgiving to contemplate on the deeper issues in life and the things that really matter. In that respect, yes, Black Friday is killing Thanksgiving year by year.

For those that haven't noticed, Black Friday has lost its literal meaning as more and more stores are opening up one day before to cater to impulse buyers. Hence, how can people sit patiently for the Turkey to roast and then share a sentimental moment with their loved ones when they can beat millions of Americans to grab door-buster deals ahead of time?

But this is only from the consumer point of view. Yes, opening stores on Thursday to promote Black Friday deals is tempting for many customers to break away from all things traditional and to go on a shopping spree, but people who work at these stores are also losing the chance to spend one evening with their family.



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EXHIBIT - 78

Add a site



LED Grow Lights Depot

Horticultural LED grow lights for personal, commercial, and research use. All the best LEDs in one spot with free shipping and no sales tax.

<http://www.ledgrowlightsdepot.com> Electronics - More Details



Electronics Store | Shop and Buy Electronics, Computers...

Electronics Store | ZenithMart: Shop and buy the best laser printers, appliances for small kitchen, laptop computers, business laptops, cameras, tvs, bridal wedding shoes, diamond jewelry necklaces & more.

<http://www.zenithmart.us> Electronics - More Details



CrazyDeals Store | Target your deal of the week | Find...

CrazyDeals Store offers you a variety of products ranging from cameras, laptops to smartphones and playstation consoles. Target these daily deals on our website.

<http://www.dailycrazydeals.com> Electronics - More Details

Electronics

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<http://www.addocart.com>

17 Views, Approved on Friday, March 13th, 2015 Electronics - More Details



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32 Views, Approved on Thursday, March 12th, 2015 Electronics - More Details



Zenithmart.us Announces February Facebook Contest

website.informer.com/zenith-mart.com

EXHIBIT - 80

Add Website Informer to your browser


Search for domain or keyword: zenith-mart.com

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Visit www.zenith-mart.com

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ZenithMart | Buy Electronics, Computers, Air Conditioners, Jewelry & more

ZenithMart.us | Shop and Buy Good Electronics, Computers, Laptops, Laser Printers, Digital Cameras, Air Conditioners, Jewelry, Shoes & more

Keywords: laser printers, laptops, Digital Cameras, kitchen appliances, computers, womens shoes, business laptops, online shopping, zenith mart, car gps devices

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Zenith-Mart, Inc.

Zenithmart.us: Save More, Live Your Best Life

▶ VIDEO

Under current federal law, only certified investors may view if Zenith-Mart, Inc. is fundraising.

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Zenith-Mart Inc. Carries and sells a wide variety of consumer electronics and general merchandise. We hold our customers to a great esteem. They are at the core of everything we do. We listen carefully to their needs and desires and collaborate to find

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New York, NY 10005-2205



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Zenith-mart Inc



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Phone Numbers

800-647-2923

917-722-0751

800-647-2923

917-722-0750

EXHIBIT - 82

Address

30 Wall St Fl 8
New York, NY 10005-2205

Directions



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Leading by Example in Corporate Social Responsibility - Zenith-Mart, Inc. Supports UNICEF, Red Cross and Others

Zenith-Mart, Inc. has announced today that beginning Oct. 1, 2014, the company will donate 10% of net annual profits to charity and nonprofit organizations.

 Zenith-Mart, Inc.
August 27, 2014 9:15 AM



NEW YORK, Aug. 27, 2014 /PRNewswire/ - Zenith-Mart, Inc. has today announced a five-part partnership with charity and nonprofit organizations both in the US and internationally, beginning October 1, 2014. The company will donate 10% of net annual profits to each organization in order to make measurable change in the world.

EXHIBIT - 83

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New York, NY

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EXHIBIT - 84

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1 result



Zenithmart

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Electronics Retailer

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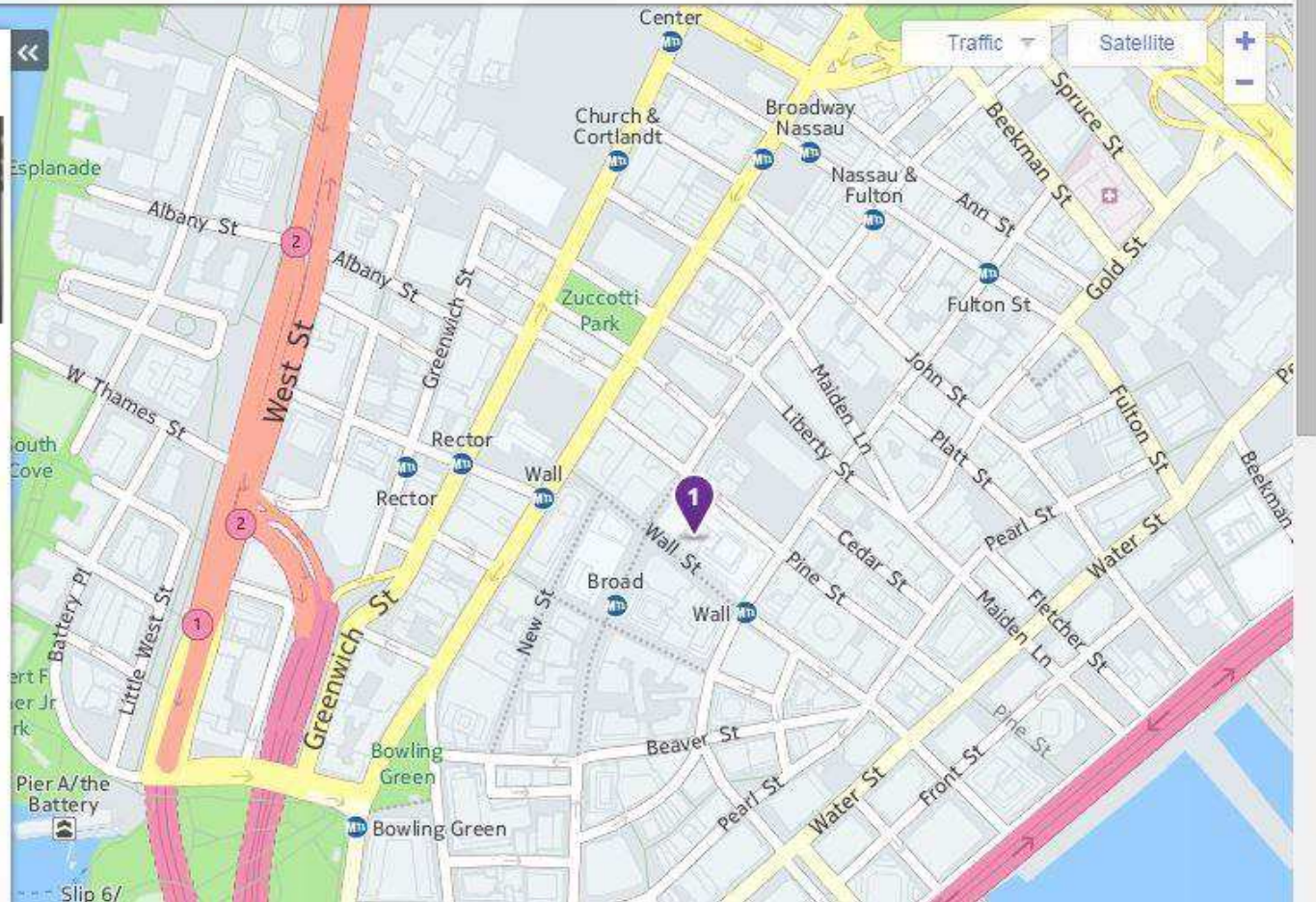
30 Wall St, Fl 8,
New York, NY 10005
Between William St and Nassau St/Broad St

(917) 722-0751
[zenithmart.us](#)
[more info](#)

Today: 12:00 am - 12:00 am Closed now
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zenithmart

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In mybook: Shopping Collection (edit)

Zenith-Mart Inc

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EXHIBIT - 85



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2

BUSINESS DETAILS

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Regular Hours

Mon - Sun Open 24 Hours

General Info:

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Zenith-Mart Inc

30 Wall St New York, NY 10005

917-722-0751

Zenith-Mart Inc is in the following categories:
Cameras, Cameras and Camera Supplies, Computer Hardware and Supplies,
Computer Supplies and Parts, Jewelers Buyers, Jewelry Design, Jewelry Retail,
Laser Printers, Printers, Shoe Stores, Shoes.



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Zenith-Mart Inc Located at 30 Wall St., New York, NY
Phone: 917-722-0751

Zenith-Mart Inc Business Listing Information Provided
By YPC Data



If you are the owner of Zenith-Mart Inc and would like to make changes to your business listing information, please click [here](#).

Zenith-Mart Inc - Financia x (6) Facebook x

www.yelp.com/biz/zenithmart-new-york

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Zenith-Mart Inc

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EXHIBIT - 87



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EXHIBIT - 88

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Womens Shoes

EXHIBIT 90

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[\\$125.00 - \\$155.00](#)
[\\$155.00 - \\$184.00](#)
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[\\$214.00 - \\$244.00](#)




\$240.00

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[\\$60.00 - \\$79.00](#)
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[\\$97.00 - \\$116.00](#)



\$26.45

Altego Channel Stitched
Ruby 15" Laptop Slipcase 




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Case Logic 17" Notebook
Sleeve 



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Case Logic Carrying Case
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Tablet PC 

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Bookbags & Backpacks

EXHIBIT 92

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[\\$0.00 - \\$49.00](#)
[\\$49.00 - \\$65.00](#)
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\$39.68

Carrying Case (Backpack)
for 15.6" Notebook,
MacBook, Tablet



\$32.78

Carrying Case (Backpack)
for 15.6" Notebook,
Tablet



\$52.25

Case Logic Carrying Case
(Backpack) for 15.6"
Notebook, Tablet, iPad



Testimonials

www.411.com/business/zenith-mart-inc-new-york-ny

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Phone Numbers

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Exhibit -2

Identification of Opposers Mark used in advertisement and marketing. Opposer has been consistently using Mark ZENITHMART in commerce since business formation till date

Categories

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Education	»
Entertainment	»
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Consumer Electronics

Records 1-20 of 1,124 | Go to 1 2 3 ... 57 Next >> page

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<http://www.zenithmart.us>

Electronics Store | Zenithmart.us: Shop and Buy Electronics, Computers, Appliances, Jewelry, Laser Printers, Appliances for Small Kitchen, Cameras, Shoes TVs ...



[SolarOutlet: Solar Wholesale Suppliers](#) (Popularity:)

<http://www.solaroutlet.com.au/>

Solar Juice is the leading wholesale supplier and distributor of solar power systems across Australia. It endeavours to reach out ...



[Solar Juice: Solar Panels & Solar Solutions](#) (Popularity:)

<http://www.solarjuice.com.au/>

Solar Juice is an Australian company that is a wholesale distributor of Solar PV panels, solar inverters, components and complete ...



[A Plus Electric Services: Commercial Electrician Denver](#) (Popularity:)

<http://www.aplus-electric.com/>

A Plus Electric Services, a locally owned and operated company located in Aurora, Colorado, provides quality and affordable residential electrician ...



[Scott's Heating & Air Conditioning Services](#) (Popularity:)

<http://www.scottsair.com>



- Arts >>>
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- Computers >>>
- Games >>>
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Directory Computers Hardware

119 sites found in Hardware

Barcode Equipment	5	Ink Cartridges	13	Storage	27
Barcode Scanners	6	Memory	6	Video Cards	
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Premium

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Buy Top Rated Business Laptop Computers and Desktop Computers Online

Zenith-Mart Inc. is a U.S Online Retailer of home electronics, home appliances, window air conditioners, laptop computers, hp laser printers, samsung hdtv's, diamond jewelry necklaces, bridal wedding shoes, samsung galaxy tablet, automotive gps, nikon cameras, computer hard drives, hand and power...

http://www.zenithmart.us

EXHIBIT - 3

Identification of Opposers Mark used in advertisement and marketing. Opposer has been consistently using Mark ZENITHMART in commerce since business formation APRIL 9, 2012 till date



[Home](#)

[Community](#) > [Forums](#) > [Introduce Yourself](#) > [Introducing Zenith-Mart Inc - About US. Why Customers S...](#)

Introducing Zenith-Mart Inc - About US. Why Customers Shop From us. 1 replies, 221 views



MVP: 71 Rank: 74.757

Posted 10 May 2014 16:10

Head Office.
30 Wall Street Fl 8
New York, NY
10005
United States
Tell: 1-800-647-2923
Fax: 917-722-0750
Website: <http://www.zenithmart.us>

EXHIBIT - 4
Identification of Opposers Mark used in advertisement and marketing. Opposer has been consistently using Mark ZENITHMART in commerce both domestic and international since business formation till date

What Set Zenith-Mart Inc. Apart From Other Retailers.

ZenithMart – Uncompromising Quality

Welcome to ZenithMart – your one-stop, online shop for laptop computers, home electronics, home appliances and general merchandise. As you browse our ever-evolving selection of topnotch products, you're going to delight in the differences that make our store stand apart from others in the online arena.

ZenithMart was founded in April 2012 with the mission of delivering a winning online solution for those in the market to buy home electronics, home appliances, kitchen appliances, laptop computers and a variety of other products. From Day One, we've committed ourselves to taking a four-prong approach to ensure our customers receive only the very best in products, pricing and service. That approach has enabled ZenithMart to grow exponentially since we began our venture and has allowed us the privilege of earning customer respect and loyalty.

So, what sets ZenithMart apart?

APP.NET

LOG IN

SIGN UP

Get started with App.net.

SIGN UP NOW >

HELP

What is Alpha?

FAQ

EXHIBIT - 5

Identification of Opposers Mark used in advertisement and marketing. Opposer has been consistently using Mark ZENITHMART in commerce since business formation till date



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EXHIBIT - 6
Identification of Opposers Mark used in advertisement and marketing. Opposer has been consistently using Mark ZENITHMART in commerce since business formation till date

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ZenithMart (Shopping)

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5

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★40

★30

★20

★10

12/18

1.2M

+1


273

2.2


Medium

More from Apptive

View more



Access Doors



CarlasCloset

EXHIBIT -X

This shows the earliest trace and record of Applicant Oletu Godwills static template uncompleted website November 21 2007 with no sign of Oletus use of Mark in Commerce as claimed by Oletu in trademark application with serial number : 86067598 and Opposition number: 91216725.

Applicants claim of consistently using Mark in commerce is patently false.

applicant is hiding this evidence and cannot provide it nor rely on it thus Opposer ZENITH-MART INC adopts it as Evidence

Satisfaction Guaranteed Contact us Shipping & Returns

Store Home

Advanced Search

Shopping Cart

My Account

Policies

Contact Us

Search:

Search

in All Products

GO

Browse Categories:

Art, Antique, Craft & Collectibles
Games & Toys
Cameras
Computers
Music & Movies
Health & Beauty
Home & Garden
Jewelry & Watches
Gifts & Sporting Goods
Electronics
Car
Office Products
Phones

Store Newest:

1. NYKO 87014 NINTENDO WII CLASSIC CONTROLLER GRIP
2. Intec Remote Control Skin for Nintendo Wii
3. INTEC G5633 NINTENDO WII REMOTE

Featured Products:



INITIAL DTV-321 32" LCD
TV

Our Price: \$1,020.45

New Arrivals:



NYKO 87014 NINTENDO



Intec Remote Control Skin



INTEC G5633 NINTENDO



Intec Remote Control Skin

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News Letter

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Top apps > iPad & iPhone > Business > ZenithMart

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Compatible with: Universal

Size: 3 MB

Last update: 9.12.2013 - Version 2.7.3

Developer: Apptive

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ZENITHMART

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Top Sellers >

EXHIBIT - 7

Identification of Opposers Mark used in advertisement and marketing. Opposer has been consistently using Mark ZENITHMART in commerce since business formation till date

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Restore Session x HP Computers,HP Laptops... x

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 - Networking
 - Office Machines & Supplies
 - Personal Electronics
 - Portable Electronics
 - Software
 - TV & Video
- Apparel, Shoes & Jewelry
 - Accessories
 - Clothing
 - Costumes

EXHIBIT - 8

Opposers use of Mark in commerce April 4, 2013 before contacting applicant in August 2013 to sell domain www.zenithmart.com which applicant accepted but demanded 50% equity of Opposers business and when Opposer Zenith-Mart Inc rejected, Applicant Oletu Hosea Godswill went behind opposer to apply to register Opposers Mark knowing too well Opposer has been using Mark in commerce.

Applicant lied in his application of September 18, 2013 with serial number 86067598 and Opposition number 91216725 to be using Mark in commerce as early as 2008 which is patently false.

Make reference to EXHIBIT -X, EXHIBIT - X1, EXHIBIT - X2, EXHIBIT -X3 which proves Applicants domain name www.zenithmart.com was parked free, non functioning, DEAD, non use in commerce or selling of goods and services which Applicant could not identify in his description of goods and services in trademark application with serial number ; 6067598 and Opposition number 91216725

https://web.archive.org/web/20130404095743/https://www.zenith-mart.com/

Restore Session x Welcome to Zenith-Mart Inc. x

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- Car Audio & Video
- Components
- Computer Accessories
- Hard Drives
- Home Audio
- Home Electronics
- Laptops & Desktops
- Monitor & Projector
- Networking
- Office Supplies
- Personal Electronics
- Portable Electronics
- Printers & Scanners
- Software
- Top Sellers
- TV & HDTV
- Apparel & Jewelry
- Accessories

EXHIBIT - 9

Opposers use of Mark in commerce AUGUST 6, 2012 before contacting applicant in August 2013 to sell domain www.zenithmart.com which applicant accepted but demanded 50% equity of Opposers business and when Opposer Zenith-Mart Inc rejected, Applicant Oletu Hosea Godswill went behind opposer to apply to register Opposers Mark knowing too well Opposer has been using Mark in commerce.

Applicant lied in his application of September 18, 2013 with serial number 86067598 and Opposition number 91216725 to be using Mark in commerce as early as 2008 which is patently false.

Make reference to EXHIBIT -X, EXHIBIT - X1, EXHIBIT - X2, EXHIBIT -X3 which proves Applicants domain name www.zenithmart.com was parked free, non functioning, non use in commerce or selling of goods and services which Applicant could not identify in his description of goods and services in trademark application serial number 86067598 and Opposition number 91216725



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zenithmart

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Results 1 to 2 for zenithmart (0.118 seconds)

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<http://www.zenithmart.us>

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www.your-site-here.com

 Zenith Mart

Category: [Blog Directory](#): [Business](#): [Shopping](#):

Guide to online shopping for computer and consumer products.

<http://blog.zenithmart.us/>

[Your Ad Here - FREE trial](#)

EXHIBIT - 11
Identification of Opposers Mark used in advertisement and marketing. Opposer has been consistently using Mark ZENITHMART in commerce since business formation till date

zenithmart

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zenithmart



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ZenithMart.us: Official Website of Zenith-Mart Inc

www.zenithmart.us ▾

ZenithMart.us is a U.S online retail store that carries and sells the best Electronics, Computers, Laptops, Android Tablets, Laser Printers, Security Cameras, Video ...

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ZenithMart Laptops

A description for this page is not available.

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EXHIBIT -12

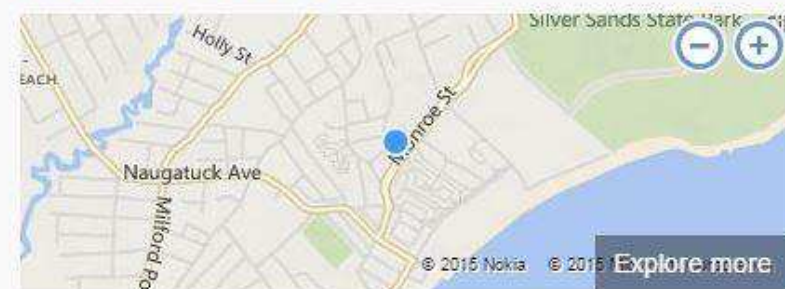
Identification of Opposers Mark used in advertisement and marketing. Opposer has been consistently using Mark ZENITHMART in commerce since business formation till date

7

Tochukwu



Zenith-Mart Inc



[Directions](#)

[Website](#)

EXHIBIT - 13



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Website: www.zenithmart.us

Tel: 1-800-647-2923

Tags: [zenithmart](#) [online shopping](#) [electronics](#) [computers](#) [laptops](#)

Introduction

ZenithMart - America's Online Retailer of the best quality Electronics, Appliances, Air Conditioners, Laptops, Computers, hp laser printers, USB's, Diamond Jewels, Necklaces, Bridal/Wedding Shoes, Samsung Galaxy Tablet, Alternative GPS, Mirror Camera, Computer Hard



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- Showing **zenithmart** in **New York, NY**
- Zenith-Mart Inc**

30 Wall Street 8th Floor, New York, NY 10005 Phone: (917) 722-0751

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Bios Calendar Products And Services

✓ ✗
0 0
- Zenith-Mart Inc.**

303 E 54th St # 2, New York, NY 10022 Phone: (800) 647-2923

3.6 mi

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EXHIBIT -14
Identification of Opposers Mark used in advertisement and marketing. Opposer has been consistently using Mark ZENITHMART in commerce since business formation till date

EXHIBIT - 15
Identification of
Opposers Mark used in
advertisement and
marketing. Opposer
has been consistently
using Mark
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commerce since
business formation till
date



ZenithMart Provides Advice on Giving Audio and Home Theater Systems this Valentines Day

February 15, 2015

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New York, NY (PRWEB) February 13, 2014

For a Valentines Day gift that will provide lasting enjoyment for years to come, skip the flowers and chocolates this year. Home theater systems have been a hot item the past several years and

are still increasing in popularity, especially amongst movie buffs and Netflix addicts. With their increasing popularity and amazing abilities, home theater gifts are becoming a big hit this Valentines Day.

For those who are a little unsure of how to select just the right item in home theater systems and audios, ZenithMart founder Tochukwu Mbiannozie offers some practical advice that can help ensure the right gift is wrapped up with a very big red



March 2015

M	T	W	T	F	S	S
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

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Zenith-Mart Inc

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30 Wall Street 8th Floor New York, New York 10005

(800) 647-2923 Website

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EXHIBIT - 16

Identification of Opposers Mark used in advertisement and marketing. Opposer has been consistently using Mark ZENITHMART in commerce since business formation till date

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Business Profile for Brooklyn, New York

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Business name: Zenith-Mart,Inc.

 Be the first of your friends to like this.

Address: 303 E 54th Street #2
Brooklyn, New York 11203

Phone number: 800-647-2923

Fax number: 917-722-0750

Business hours: 24/7

Year established: 2012

Credit cards accepted: Yes

Number of employees: 1-5

Map:

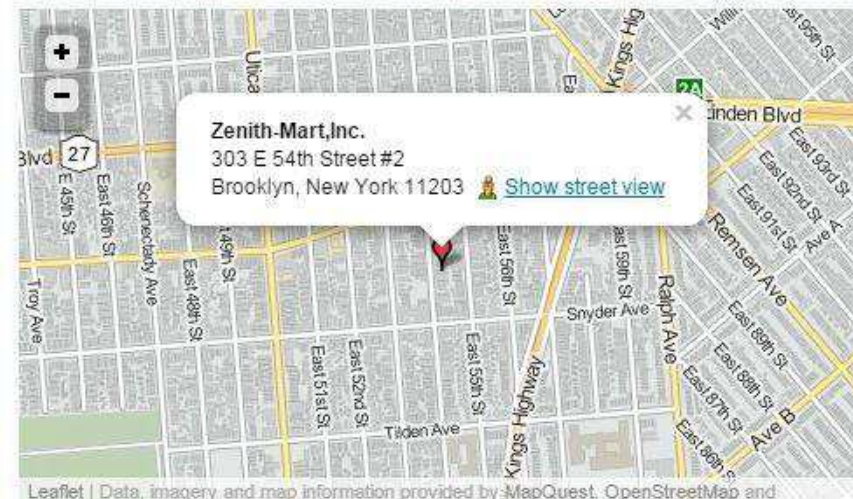
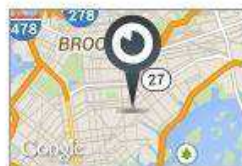


EXHIBIT - 17

Identification of Opposers Mark used
in advertisement and marketing.
Opposer has been consistently using
Mark ZENITHMART in commerce
since business formation till date

BROOKLYN > CONSUMER ELECTRONICS > ZENITH-MART, INC

Zenith-Mart, Inc



(855) 393-6484 | [View Website](#)

303 E 54th St Ste. 2, Brooklyn, NY 11203

[VIEW MENU](#) [DIRECTIONS](#)

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HP® Laptops (Official)

store.hp.com

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EXHIBIT - 18

Identification of Opposers Mark used in advertisement and marketing. Opposer has been consistently using Mark ZENITHMART in commerce since business formation till date

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for Android

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free everyday

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More Details for Zenith-Mart, Inc



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EXHIBIT - 19

[February 04, 2014]

Identification of Opposers Mark used in advertisement and marketing. Opposer has been consistently using Mark ZENITHMART in commerce since business formation till date

Zenithmart Announces Unbeatable Deals on the Top Tech and Jewelry Gifts for Valentine's Day

(PR Web Via Acquire Media NewsEdge) New York, NY (PRWEB) February 04, 2014 Valentine's Day is fast approaching, and online retailer ZenithMart is gearing up to give shoppers the best deals on great gifts for the special somebody in their lives. With this in mind, ZenithMart continues to expand their online selection of technology, electronics, fashion and beauty products, and other offerings for shoppers in need of the perfect gift for their girlfriends, boyfriends, husbands, and wives. In addition, all products are priced with the budget conscious in mind, so shoppers won't need to break the bank to impress and excite their loved ones.



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**DISCOVER THE ROI OF
IMPROVED CUSTOMER SERVICE**

Shoppers who need gifts for the tech-savvy have an array of affordable, quality options available. There is a huge variety of cameras, GPS units, tablets, and televisions to choose from, all aggressively priced, and ZenithMart provides the accessories that go with every purchase as well.

For the sweethearts with an eye for fashion and health, ZenithMart has a huge variety of personal care and style products. Massage and relaxation oils, bath and shower accessories, and hair products and perfume from respected brands like Armani and Christian Dior are all



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Rich Tehrani

CEO, TMC

Since 1982 Rich has led TMC® in many capacities. Rich Tehrani is an IP Communications industry expert, visionary, author and columnist.

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https://www.crunchbase.com/organization/zenith-mart-inc

CrunchBase

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Zenith-Mart Inc

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EXHIBIT - 20

⊕ ADD

UPDATE ▾




Headquarters: [New York, NY](#)

Description: [Zenithmart.us](#) | Online Retailer: Shop and buy electronics, computers, laptops, appliances, jewelry, laser printers, GPS & more.

Founders: [Tochukwu Mbiamnozie](#)


Categories: [Home & Garden](#), [Jewelry](#), [Hardware](#), [Consumer Electronics](#), [Computers](#)

Website: <http://www.zenithmart.us>



[f](#) [t](#) [in](#)

CONTRIBUTORS TO THIS PROFILE

 [SEE DETAILS](#)

Company Details

UPDATE ▾

Founded: [April 9, 2012](#)


Employees: [None found in CrunchBase](#)

[Zenithmart.us](#) | Online Retailer: Shop and buy electronics, computers, laptops, appliances, jewelry, laser printers, GPS, cameras, shoes, tv's & more.

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Zenith-Mart Inc. backs UNICEF and Red Cross

Posted on: September 6, 2014

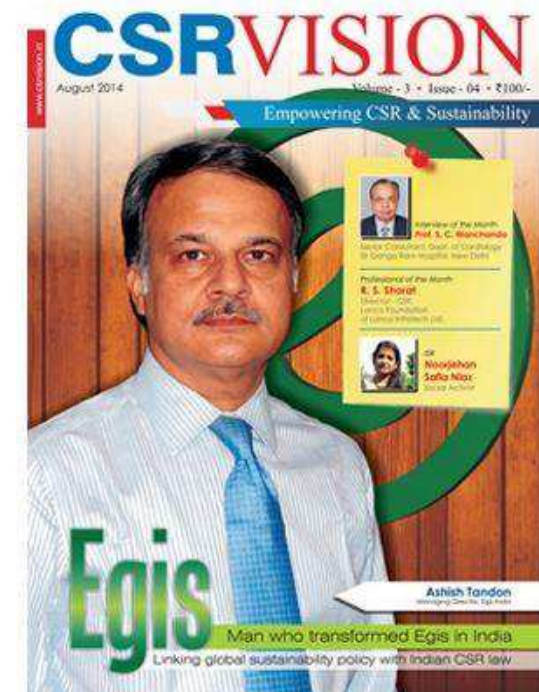


Zenith-Mart, Inc., America's largest online retailer of high quality goods proclaimed that the company will devote ten per cent of its net annual profits in charity and towards non-profit organisations from 1st of October 2014. The company declared a five part partnership with charities and NPOs from the US and outside US.

The profits that the company will donate will be used to bring positive changes in the world which will be done as a part of Corporate Social Responsibility of the company. The company's CEO TochukwuMbiamnozie said that, "We are partnering with UNICEF, the American Red Cross, Save the Children, the ALS Association and the American Diabetes Association to make lasting change."

The partnership will see some donations and funding that will help to provide care to the orphans, improve the situation of the destitute, provide care for the disaster victims, sponsor malnourished and disadvantaged children all over the U.S, provide funds for research to find cure for the deadly disease ALS.

Zenith Mart believes in contributing to the society and the world and do as much as it can to improve the situation of the disadvantaged people. It believes that such activities are not just a part of Corporate Social Responsibility but also the endeavours of a responsible organisation





dailymotion

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EXHIBIT - 22



Zenithmart.us Announces February Facebook Contest



by Felorsaptim

Try out our new player



1 view



IGDaily - 8/2/11
by Machinima
1,962 views



WWE To Launch
Streaming Service In
by Web.TV
278 views



WWE To Launch
Streaming Service In
by NewsyVideos
178 views

willson@laser.com

Furthermore, you filed two trademark registrations for ZENITHMART on September 18,

It has come to our client's attention that you are the owner of the domain, www.zenithmart.com (hereinafter referred to the "domain") since December 17, 2006. The domain was parked for seven ("7") years meaning that the domain was registered and was not used in commerce prior to having correspondence with our client in August and September 2013. In response to your demand to be paid for a website purchased merely for the purpose of re-selling at the highest price, our client presented a reasonable offer for the rights of the domain and was even willing to give you 20% equity in his company in exchange for the domain (See Exhibit A). You rejected this extremely generous offer and demanded 50% of his company in exchange for the rights to the domain. Rightfully so, our client refused. After these negotiations ended, you launched an e-commerce website intentionally replicating our client's company, Zenith-Mart.

Zenith-Mart is an online retailer founded in April 2012 by Mr. Tochukwu Mbiannozie ("Mbiannozie"). Mbiannozie has invested a vast amount of time and money developing Zenith-Mart into a premier online retail store. Zenith-Mart has a well-known reputation for offering high quality consumer goods such as electronics, appliances and jewelry.

We take this opportunity to advise you that, from the date you receive this letter, until this controversy with Zenith-Mar is resolved, any and all records of any sort, nature or kind whatsoever with regard to any infringing activity which infringe the rights of Zenith-Mar, must be scrupulously maintained and not spoiled, deleted or disposed of in any manner whatsoever. The law exacts severe penalties for such spoliation of evidence.

We are intellectual property counsel to Zenith-Mar, Inc. (hereinafter referred to "Zenith-Mar").

Dear Godswill Ojetu:

Re: Zenith-Mart, Inc.

Hackensack, New Jersey 07601-8004

STE 2-120

370 W Pleasantview Avenue,

Godswill Okeu

Via Federal Express

Jura Zips
212.915.5756 (direct)
Jura.Zips@wilsonjcsd.com

November 6, 2014

WILSON ELSER

EXHIBIT 2A

2013 and March 21, 2014 with the United States Patent and Trademark Office ("USPTO"). (September 18, 2013 was the exact day that the negotiations ended between our client and yourself.) In the trademark applications (serial nos. 86067598 and 86228203), it was stated that the mark was first used and first used in commerce in 2008 (See Exhibit B). Under 15 U.S.C. § 1127, "use in commerce" is defined as

"...the bona fide use of a mark in the ordinary course of trade, and not made merely to reserve a right in a mark. For the purpose of this Act, a mark shall be deemed to be in use in commerce -

(1) On goods when- ...

(A) It is placed in any manner on the goods..., and

(B) The goods are sold or transported in commerce."

Here, there is no evidence of such use. The specimens provided to the USPTO did not demonstrate the mark being used in commerce dating back to 2008. However, there is substantial evidence that would support a finding of fraud. By knowingly misrepresenting the date of your first use in commerce of a mark, you have committed fraud. You have full knowledge that you did not use the mark in commerce until you launched your website after September 2013. Moreover, you were fully aware that our client was using the mark ZENITHMART in commerce prior to registering your mark, but you filed the trademark application anyway immediately after negotiations broke down.

In addition, you had clear intent to deceive the United States Patent and Trademark Office. Throughout the trademark prosecution process, you lied and deceived the Examining Attorney into believing your statements and documents were genuine. We have additional evidence that you forged shipping labels and sale receipts to falsely claim affiliation with eBay. If you recall, you signed the declaration prior to filing stating that the undersigned has been "warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001..." If necessary, we are prepared to pursue justice to the fullest extent.

The evidence is clear and convincing that our client was the first user of ZENITHMART in commerce. Additional evidence proves that Mibiamozie was the first to sign-up for the Amazon store using the ZENITHMART mark and that your ZENITHMART logo was not added to the profile page of your eBay personal seller account (OGODSWILL) until 2014 even though you have been a member of eBay since 2002. Therefore, all the evidence points to deception and fraud committed by you towards consumers and to the USPTO.

On behalf of our client, we demand that you immediately advise us in writing that you will immediately withdraw your trademark applications for ZENITHMART and transfer the domain, www.zenithmart.com to Zenith-Mart. You must cease and desist using the word, ZENITHMART in any future endeavors. Additionally, demand is made upon you to promptly supply us with your sale figures dating back to September 18, 2013 in order to account for our client's lost profits.

We also require that you immediately provide us with COPIES OF ALL DOCUMENTS which refer or relate to the foregoing requests, with a view toward your accounting to our client that you agree to immediately and permanently cease any further sales on your website,

EXHIBIT 2C page 3 of 3



www.zenithmart.com

You are hereby advised that if we do not promptly receive a substantive response advising that you will withdraw the trademark applications and transfer the rights of the domain to Zenith-Mart, and will provide us with the information and materials noted above, we have been instructed and are fully prepared to take further steps as necessary to protect our client's rights including filing a lawsuit claiming that you committed fraud on the USPTO.

We look forward to an immediate response by November 17, 2014 from either you or your counsel.

Very truly yours,

Wilson Elser Moskowitz Edelman & Dicker LLP
J. Zibas
Jura C. Zibas
Robert P. Feinland

cc: Amazon Legal Department via regular mail
eBay Legal Department via regular mail

EXHIBIT X6

The truth is, these offers are way below the iconic nature of the names you are bidding for. These low offers plus the fact that, I have used these names in commerce before and intend to use them in the future are the reasons that I am not moved to dispose off these names.

These names are at par with names like Kmart.com, Pathmart.Com, Petmart.com, walmart.com, etc...all they are waiting for is the right amount of advertisement/publicity and they will become common household names and they will also sell themselves.

I have used zenithmart.com and zenithmart.net to sell drop ship items on the internet in the past. The other alternative is the option of partnership that you offered. I did some limited research on your company online. I saw some youtube clicks, some online postings and have an idea of your mission but I could not find anything substantive in terms of net worth, clientele, product sales/outputs, business operations, etc. I do not know how liquid and viable this company is, I know you were seeking startup funds sometime ago but do not know if you have been able to secure anything and there is no activities on www.zenithmart.us and www.zenith-mart.com, the two names you currently controls.

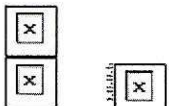
I will need more in order to make any decision and would appreciate if you can close this gap and also be very specific on the partnership.

Thanks.



9/16/13

Tochukwu Mbiannozie tochukwumbiannozie@gmail.com



to Godswill



Hi Godswill,

Nice to hear from you. Zenith Mart Inc carries and sell all consumer electronics and general merchandise. I have invested \$47,000 in the company since its inception and will put in my best for the company to stand. My old website was www.zenith-mart.com which I invested alot in the marketing and publicity but why its not live now was because I cancelled my services with my shopping cart software provider (3dcart.com) their shopping cart software is messed up. Their html codes are messed up that you find it hard ranking on the search engines for organic search traffic. They are lots of issues that I had to cancel it to look for a better shopping cart. This was the point I thought of speaking with you so that I can sign up for the new shopping cart with zenithmart.us which is a top level domain for United States of America and will better represent my brands and help my website rank higher on search engines. I believe we can have an understanding and co-operation with each other and work collaboratively to make our dreams a success. Without talking too much, I will be more than happy to give you 20% equity of the company if you are willing to give up the domain, be a partner and invest in the business. This is a start up business which am seeking for an SBA loan of \$85,000 to execute my business plan and make my business dream a success. We haven't recorded any profits yet as we just started. I believe we can make this a success if you think and see things the way I do. Think of Amazon, Ebay, Buy.com, Walmart, Kmart, they stated the same way I did and with good financial backing and standing see where the are today. You are entrepreneur minded like me so lets team up and work together. Let me know what you can bring to the table and we take it up from there. I want the website to be back live and working so the company can make sales this coming holiday seasons. Black friday, thanksgiving, Christmas etc. Get back to me with what you can invest and bring to the table so we can get things done right away.

Awaiting your response.



Godswill Oletu oletu@oletu.com

9/17/13



to me



EXHIBIT X7

Hi Tochukwu,

Thanks for getting back to me and also for the offer.

The truth is, for a 20% share, I would prefer to hold on to my plans of re-launching my website and re-commercializing my efforts regarding Zenith Mart.

I can do this independently and eventually hire workers when it becomes too much and will retain 100% ownership. I have the online presence to this and can continue to do business under one of my other incorporated company names until it become self-sustaining before I can branch it off under its own incorporated name.

You bring the advantage of having incorporated Zenith Mart Inc already, but that is not unique as anyone can still incorporate the same name even in your current State of incorporation as long as it does not conflict in the State of incorporation database and it definitely can be incorporated in other States. I also spent a lot of money and still do today for my various businesses just like you stated you have done on behalf of yours. I have a standing share hosting that I pay for monthly and can launch any website almost immediately.

From the look of things, it appear that I stand to loose a lot, if I give up the name even in a 50-50 partnership, because that action alone will deprive me of doing this alone as I had anticipated. However, your availability and readiness to implement this is an encouragement; more so from my research so far, it appear you have the drive and a plan to make this work and for that, I am willing to consider a 50-50 partnership.

One of the many reasons, I have not started re-commercializing the zenithmart.com is because, am still trying to nurse to self-sustenance my other ecommerce ventures below in other to free up more time to rededicate easy where....

www.unicpage.com
www.unicweb.com
www.usbusinessstoday.com
www.futmina.com

The above websites are online at the moment and the next stage is to take the following online along with re-commercializing www.zenithmart.com:

www.prestigebags.com
www.selftoolrental.com
www.celltrade.com

It will not worth it for me to consider anything less than 50-50 and if you think about it, why should I consider anything less, since I have all it will take to run with this business?

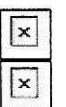
Godswill Oletu

From: Tochukwu Mbiamnozie

Sent: Monday, September 16, 2013 12:40 PM

To: Godswill Oletu

Subject: Re: Important Inquiry about your domain ZenithMart.com



Tochukwu Mbiamnozie tochukwumbiamnozie@gmail.com



9/18/13

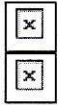


EXHIBIT X8

Hi Godwill,



Do you think the IRS can register two company names in US? They cant to avoid suits and trade conflicts. If its easy and possible many people would have incorporated Amazon, Walmart, Kmart, Ebay etc in another State. Zenith Mart Inc is a Federal S Corporation and a New York S Corporation and you think the IRS will incorporate another Zenith Mart Inc in United States? I dont think so. Can you use Zenithmart.com as a business entity without business licenses and IRS approval or State approval? I dont think IRS will issue another Tax identification or employer identification for the same company. Its impossible unless my Zenith Mart Inc was dissolved which is not so.

I approached you because I thought we can have an understanding and my offer to you is very fair. I can use Zenithmart.us which is a top level domain for United States and represents US brands I deal on.

Zenith Mart Inc is owned by myself and my wife. I have 65% while she has 35% and am willing to give out 20% from mine to you if my offer suits you. Anything other than that I am not interested.

Make up your mind and get back to me. Research the history of other US merchants, non of them started alone to say the want 100%. Two heads are better than one and so is many intelligent heads.



Regards

EXHIBIT 200

1515 Wynkoop, Suite 600, Denver, CO, 80202 • 303.572.9300

Adam Weiss
(312) 873-3644 - Direct
(312) 819-1910 - Fax
aweiss@polsinelli.com

VIA FEDERAL EXPRESS and
E-MAIL (oletu@oletu.com)

March 10, 2014

Re: Infringement of ZENITHMART Trademarks

Dear Mr. Oletu,

This law firm represents Zenith-Mart Inc. ("ZenithMart"), an online retailer specializing in electronics, computers, jewelry, shoes, automotive and tools, home appliances, and health and beauty products, among other things. We write with respect to the following intellectual property matter warranting your immediate attention.


ZenithMart adopted and has continuously used the mark ZENITHMART in connection with its retail business since at least as early as April 2012 and has been using such mark in U.S. interstate commerce since at least as early as October 2012. ZenithMart has expended substantial monies in marketing, advertising, and promoting the ZENITHMART mark and, through such sales and advertising, has generated substantial goodwill and customer recognition in such mark. ZenithMart has derived a great deal of revenues from its rendering of services under the ZENITHMART mark. As a result of the marketing and rendering of services under the ZENITHMART mark, such services have come to be, and now are, well and favorably known as services of high quality and reliability. The ZENITHMART mark is distinctive of the ZenithMart services and is well-known, and valuable goodwill has been built up in the mark, which has become a valuable asset of ZenithMart. To that end, ZenithMart owns two trademark applications on the Principal Register of the U.S. Patent and Trademark Office, U.S. Serial Nos. 86156478 and 86172398 for the ZENITHMART word mark and the  logo in connection with its services.

EXHIBIT 201

It has come to our attention that you recently filed a federal trademark application for the mark ZENITHMART in connection with the following services: "the bringing together, for the benefit of others, of a variety of goods and services, enabling customers to conveniently view and purchase those goods and services from an Internet web site particularly specializing in the marketing of the sale of goods and services of others," claiming use of the mark at least as early as 2008 (the "598 Trademark Application"). You also recently launched a website at www.zenithmart.com, which links users to Amazon.com and other third-party websites to purchase consumer electronic products and other goods. Our understanding is that your trademark application and your use of the mark ZENITHMART began after our client's prominent use of its ZENITHMART mark, and after the parties did not come to terms on your attempted sale of the zenithmart.com domain name. In other words, you filed the 598 Application and launched the www.zenithmart.com website after you were fully aware that our client had superior rights in the ZENITHMART mark. Moreover, on information and belief, the declarations in the 598 Application are based on patently false and fraudulent statements.

Your use of the ZENITHMART mark is likely to cause confusion, mistake, or deception that your services are those of ZenithMart or are otherwise endorsed, sponsored, or approved by ZenithMart, or cause confusion, mistake, or deception as to the affiliation, connection, or association between you and ZenithMart. Consumers that are familiar with the ZENITHMART mark would be likely to access your website and/or buy your products believing that such services and products are provided by, endorsed by, or associated with ZenithMart, which is not the case. Furthermore, any defect, objection, or fault found with your products or services would necessarily reflect upon and seriously injure the reputation that ZenithMart has established for the services rendered under its ZENITHMART mark.

Your actions described herein constitute trademark infringement and unfair competition under the Lanham Act, including under 15 U.S.C. § 1125. As a result of your willful infringing activities, ZenithMart is entitled to injunctive relief and an award of, among other things, damages (including treble damages), attorney's fees and transfer of the zenithmart.com domain name. ZenithMart may also pursue an action for the domain name under the Uniform Dispute Resolution Policy and file a Notice of Opposition against the 598 Application at the Trademark Trial and Appeal Board.

Exhibit 202

Godswill H. Oletu
March 10, 2014
Page 3

In order to avoid the above actions, we demand that you immediately:

- Cease all use of the names ZENITH, ZENITHMART, zenithmart.com, and any other confusingly similar names in connection with the offering of retail goods and services;
- File a Request for Express Abandonment of the '598 Application;
- Transfer ownership of the domain name **zenithmart.com** to ZenithMart;
- Remove all instances of the infringing marks from all advertising and marketing materials, including in keyword advertising, in metatags, on your website, in voicemail, and on company business collateral, such as letterhead, signage and business cards; and
- Provide us a written confirmation that you have complied with all of the above demands no later than March 24, 2014.

We appreciate your prompt attention to this matter and look forward to receiving your written confirmation. Please let us know whether you hire legal counsel so that we may direct our future communications to your attorney.

ZenithMart expressly reserves all right to protect its valuable intellectual property rights and pursue actions with respect to your past or future conduct.

Sincerely



Adam S. Weiss

cc: Zenith-Mart Inc.

EXHIBIT 205

university tickets

University of Bridgeport Commencement 2015

Saturday, May 9, 2015

10:00 a.m.

Webster Bank Arena at Harbor Yard

GUEST TICKETS

Graduate: Tochukwu Mbiamaozie
Reservation Date: Monday, April 6, 2015
Record Locator: PEAVPQ Ticket #1 of 4

**THIS IS YOUR TICKET. PLEASE TREAT IT
AS YOU WOULD ANY OTHER VALUABLE.**



488592226387

The unique barcode on this ticket allows only one entry to the event. The first copy of an E-Ticket (if there are multiple copies made) to arrive at the event will gain entry after scanning and validation. Other copies of this ticket will be denied entry.

Welcome to the University of Bridgeport Commencement Ceremony! An academic Commencement is a formal ceremony and all attendees are asked to respect the following procedures to enhance the experience for graduates and their guests alike:

GENERAL

The commencement ceremony will take place in the Webster Bank Arena at Harbor Yard, 600 Main Street, Bridgeport, CT. This venue will enable everyone to graduate together with family and friends present (rain or shine) and allow for wonderful photo opportunities (thanks to the tiered seating).

The following items are prohibited from Webster Bank Arena at Harbor Yard: outside food and beverages (including water bottles), chains, weapons, laser pointers, aerosol cans, illegal substances, animals, beach balls, inflatable, bull horns or noise makers, fireworks, backpacks, signs with sticks, confetti, wrapped presents, and helium balloons.

ADMITTANCE

The unique barcode on this ticket allows only one entry to the event. The first copy of an E-Ticket (if there are multiple copies made) to arrive at the event site will gain entry after scanning and validation. Other copies of this ticket will be denied entry.

Any person occupying a seat must present a ticket for admittance.

Children 2 years old or under do not need a ticket for entry, however, the child must sit on an adult's lap during the ceremony without obstructing the view of other guests. Strollers (other than umbrella strollers) are not encouraged in these spaces due to space limitations and fire code regulations.

EXHIBIT G

Ship To:

Belleville, MI 48111

re checked

A2D 09

Order ID: 106-8336642-6101840

Thank you for buying from Zenithmart Devices N Fashion Wears on Amazon Marketplace.

Shipping Address:	re checked	Belleville, MI 48111
Order Date:	Jan 25, 2013	
Shipping Service:	Standard	
Buyer Name:	re checked	Zenithmart Devices N Fashion Wears
Seller Name:		

Quantity	Product Details	Price	Total
1	Live Worldly, Live Brazilian Ipanema Bag in White Multi	\$13.99	
	SKU: 160953584178		
	ASIN: B009WDMNMS		
	Listing ID: 0111N2XUHG		
	Order Item ID: 58574778632234		
	Condition: New		
		Subtotal:	\$13.99
		Shipping:	\$4.49
		Total:	\$18.48
ORDER TOTAL: \$18.48			

Returning your item:
Go to "Your Account" on Amazon.com, click "Your Orders" and then click the "seller profile" link for this order to get information about the return and refund policies that apply.
Visit <http://www.amazon.com/returns> to print a return shipping label. Please have your order ID ready.

Thanks for buying on Amazon Marketplace. To provide feedback for the seller please visit www.amazon.com/feedback. To contact the seller, please visit Amazon.com and click on "Your Account" at the top of any page. In Your Account, go to the "Orders" section and click on the link "Leave seller feedback". Select the order or click on the "View Order" button. Click on the "seller profile" under the appropriate product. On the lower right side of the page under "Seller Help", click on "Contact this seller".

Applicant Adopted this name 'Zenithmart Devices N Fashion Wears' on Amazon when he couldn't open Amazon

Account with Zenithmart because it belongs

to opposer and opposer has been using the name Zenithmart as Amazon Merchant and retailer

before Applicant.

EXHIBIT G-1

AD08-P1



Ship From: Olev Systems LLC
http://stores.ebay.com/ZenithMart-Devices-N-Fashion-Wears

Address: 370 W. Pleasantview Avenue
STE#2-120
Hackensack, NJ 07601
United States

Email: ogodswill@yahoo.com

Phone: 201-286-1352

Auction ID: ogodswill

Packing Slip
Ship To: *Redacted*

Address: *Redacted*
United States

Email: *Redacted*

Auction ID: *Redacted*

Transaction ID: 10377026GY157063D

Description	Options	Qty	Price
A/C Pro Formula Refrigerant ACP-100 Leak Sealer + Hose + R-134a Pressure Gauge		1	\$22.00 USD
#160842089158			

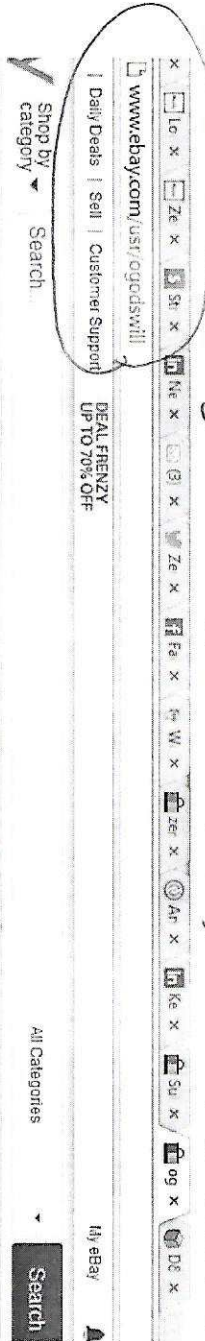
Shipping & Handling: \$13.00 USD
Shipping Insurance: \$0.00 USD
Total: \$35.00 USD

This is not a bill.

Note: Thanks for your purchase at ZenithMart Devices N eBay Store. We look forward to doing business with you again.

EXHIBIT G-2

URL showing ogodswill (personal page) not ZenithMart
Ebay page of Olaty ogodswill



Olaty edited Profile image in 2014 and added logo to claim using in comments which is false

ZenithMart + Follow

ogodswill (457★)
100% positive feedback

personal Ebay page

Answering ZenithMart Devices N Fashion wears to deceive customers into being Zenith-Mart Inc.

ZenithMart Devices N Fashion Wears is your ONE STOP eBay Store. Where you can source AUTHENTIC Electronics and ORIGINAL designer BRAND name HANDBAGS and FASHIONABLE Products from a variety of providers and Manufacturers

See all feedback

Feedback ratings	Item as described	Communication	Shipping time	Shipping charges
★★★★★	★★★★★	★★★★★	★★★★★	★★★★★
58	61	65	64	

Feedback from the last 12 months

1 Follower | 0 Collections | 0 Guides | 274 Views | Member since Sep 14, 2002 | United States

sale (278)

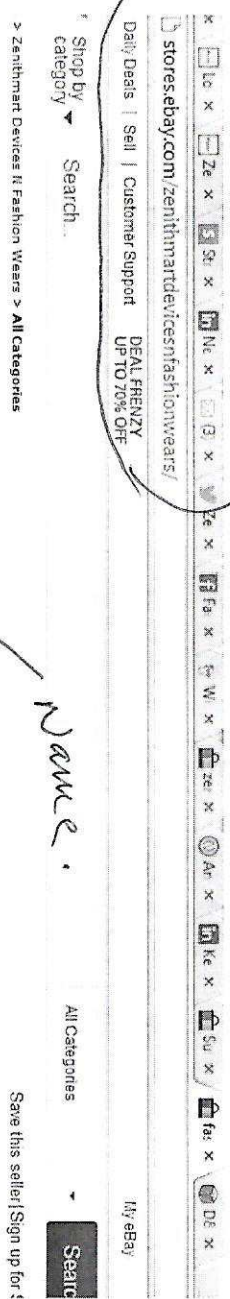
How can I page be

ogodswill/mh/mart?_rsrc=8g_arms=1&_img=8g_front-

EXHIBIT G-3

Ebay page of Olefu Goodwill
showing name as
Zenithmart Devices N Fashion Wears

URL



name

Olefu is Answering
Zenithmart Devices N Fashion Wears

not Zenithmart

EXHIBIT 4

Amazon page (Affiliate)
 Oletu is answering
 Zenithmart Devices N Fashion Wears

Amazon.com/gp/...
 Your Amazon.com Today's Deals Gift Cards Sell Help
 Search All
 Go
 Hello, Sign In
 Your Account
 Try Prime
 Off to College
 Back to Amazon

Zenithmart Devices N Fashion Wears

Rating: ★★★★★
 at the past 12 months (2 ratings)
 Information

other products from this seller:

for these other items from Zenithmart Devices N Fashion Wears:

Confusing Opposer's
 Customer's online



Necklace, Mana
 Cord Cross Section
 \$10.00



Macy's Earrings, Mana
 Citicaca Seed Pod Chain
 Earrings
 \$10.00



Macy's Necktie, Mana
 Citicaca Large Leather
 Seed Pod...
 \$15.95



Macy's Necktie, Mana
 Citicaca Braided Cord Bead
 Necktie
 \$15.95

Page 1 of 1

About Seller

Zenithmart Devices N Fashion Wears.
 For our Amazon storefront. We pride o
 bringing reputable and genuine produ
 marketplace. Our Customer Support
 envy of the industry and we guarante
 be satisfied with your transactions. It
 more

Recent Feedback:

5 out of 5: "Excellent Products, Very
 Shipper, and good packing used."
 Kuruvilla C.
 5 out of 5: "Super fast shipment and
 customer service."
 Roeske, Ma

Feedback History:

Feedback	30 days	90 days	365 d
Positive	-	-	10
Neutral	-	-	-
Negative	-	-	-
Count	0	0	0

What do these mean?

A-to-Z Guarantee

Place your merchant order through th
 Amazon.com Shopping Cart or 1-Click
 purchase is protected by the A-to-Z S
 Guarantee. Amazon.com will automaticall
 your payment to the merchant so you
 to pay a merchant directly. Our A-to-Z
 Guarantee covers both the delivery o
 and the condition upon receipt. Read "

Oletu's adopted
 name on
 Amazon
 — proves of
 Applicants
 sells damaging
 opposer's Marks
 in Commerce
 Opposer suffered
 losses in sales
 and profits

Oletu is causing confusion, unfair competition
 and abusing opposer's mark in Commerce.

EXHIBIT 01

State of Delaware



SECRETARY OF STATE
DIVISION OF CORPORATIONS
P.O. BOX 898
DOVER, DELAWARE 19903

AD01-P1

07-24-2014

9071889
GODSWILL OLETU
370 W. PLEASANTVIEW AVE
STE #2-120
HACKENSACK
NJ 07601

AMOUNT	DESCRIPTION
50.00	OLETU SYSTEMS LLC 3352039 6300 Certificate in Re Short
50.00	Certification Fee
50.00	FILING TOTAL
50.00	TOTAL PAYMENTS
.00	SERVICE REQUEST BALANCE

See EXHIBIT



Applicant using Oletu systems to deceive consumers on Ebay, claiming to be Zenithmart or Zenithmart Devices N Fashion wears

Exhibit 01 and Exhibit 02 has no legal affiliation with Zenithmart and such does not represent any Trade Name Certificate or license under the Laws of New Jersey where alleged Zenithmart resides or even under the laws of Delaware Applicants claim of Oletu systems LLC Affiliated with Zenithmart is patently false.

See EXHIBIT 01 Sample of Trade name Certificate.

EXHIBIT 02

Delaware

The First State

AD01-P2

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "OLETU SYSTEMS LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-FOURTH DAY OF JULY, A.D. 2014.

Applicant Oletu Goods will be deceiving the public, causing confusion, and unfair competition in the market place hence severely damaging Oposers Mark, diverting Oposers customers to his site and other of his affiliate site Amazon and Ebay and has willfully damage Oposers Mark and loss in Oposers cash flow for which Oposer is entitled to Triple damages from Applicant and covering of Oposers Attorneys fees and lost sales



3952039 8300 140989329

You may verify this certificate online at corp.delaware.gov/authver.shtml

DATE: 07-24-14

AUTHENTICATION: 1563601 Jeffrey W. Bullock, Secretary of State

[Signature]

②

PHONE	(201)286-1352	EMAIL ADDRESS	oletu@oletu.com	AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes	WEBSITE ADDRESS	www.zenithmart.com
LEGAL ENTITY INFORMATION							
*TYPE	SOLE PROPRIETORSHIP						
*STATE/COUNTRY WHERE LEGALLY ORGANIZED	New Jersey						
NAME OF INDIVIDUAL & CITIZENSHIP		Oletu, Godswill H., a United States of America Citizen.					
GOODS AND/OR SERVICES AND BASIS INFORMATION							
*INTERNATIONAL CLASS	035						
*IDENTIFICATION	<p>The bringing together, for the benefit of others, of a variety of goods and services, enabling customers to conveniently view and purchase those goods and services from an Internet web site particularly specializing in the marketing of the sale of goods and services of others</p>						
*FILING BASIS	SECTION 1(a)						
FIRST USE ANYWHERE DATE	At least as early as 00/00/2008						
FIRST USE IN COMMERCE DATE	At least as early as 00/00/2008						
SPECIMEN	<p>FILE NAME(S)</p> <p>\\TCRS\EXPORT\16\MAGFOUT\16\8606\75\86067598.xml\FTK0003.JPG</p>						
SPECIMEN DESCRIPTION	Designed Logo as used in internet web site hosting the variety of goods and services.						
ADDITIONAL STATEMENTS INFORMATION							
*TRANSLATION	(if applicable)						
*TRANSLITERATION	(if applicable)						
*CLAIMED PRIOR REGISTRATION	(if applicable)						
*CONSENT (NAME/LIKENESS)	(if applicable)						
*CONCURRENT USE CLAIM	(if applicable)						

see

Exhibit X	X 2
Exhibit X	X 3
Exhibit X	X 4
Exhibit X	X 5
Exhibit X	X 6
Exhibit X	X 7
Exhibit X	X 8

False claims

See Exhibit 79

EXHIBIT (P2)

PFO Form 1476 (Rev. 9/2013)
OMB No. 0705-0188 (Exp. 12/31/2014)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86067598

Filing Date: 09/18/2013

To the Commissioner for Trademarks:

MARK: Zenithmart (Standard Characters, see mark)

The literal element of the mark consists of Zenithmart.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Oletu, Godswill H., DBA Zenithmart, a sole proprietorship legally organized under the laws of New Jersey, comprising of Oletu, Godswill H., a United States of America Citizen, having an address of

Suite# 2-120,

370 W. Pleasantview Avenue

Hackensack, New Jersey 07601

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 035: The bringing together, for the benefit of others, of a variety of goods and services, enabling customers to conveniently view and purchase those goods and services from an Internet web site particularly specializing in the marketing of the sale of goods and services of others

Wrong identification / description of goods & services - see Exhibit X9

In International Class 035, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 00/00/2008, and first used in commerce at least as early as 00/00/2008, and is now in use in such commerce. The applicant is submitting one (or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Designed Logo as used in internet web site hosting the variety of goods and services..

Specimen Filed

For informational purposes only, applicant's website address is: www.zenithmart.com
The applicant's current Correspondence Information:
Oletu, Godswill H.

EXHIBIT (P3)

Oletu, Godswill H.
Suite# 2-120
370 W. Pleasantview Avenue
Hackensack, New Jersey 07601
(201)286-1352(phone)
oletu@oletu.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Godswill Oletu/ Date Signed: 09/18/2013
Signatory's Name: Oletu, Godswill H.
Signatory's Position: Owner

RAM Sale Number: 86067598
RAM Accounting Date: 09/18/2013

Serial Number: 86067598
Internet Transmission Date: Wed Sep 18 09:33:02 EDT 2013
TEAS Stamp: USPTO/FTK-68.199.15.135-2013091809330200
9492-86067598-50091331c9c21db710258833cb
11d23b23c914ada4a06c3d1e8673563a9c74b3
-CC-7944-20130918074609738061

- Exhibit X
- Exhibit X2
- Exhibit X3
- Exhibit X4
- Exhibit X5
- Exhibit X6
- Exhibit X7
- Exhibit X8

Applicant should be held liable and face his punishment under 18 U.S.C Section 1001

Applicants Trademark application voided, cancelled and dismissed without consideration and Applicant pay opposer for all damages

EXHIBIT (P4)

Zenithmart

No Proves of Mark used in
Commerce at the time of trademark
application or traced back to
Applicants alleged first use in
Commerce of 2008. Applicants claim is
patently false.
For this, applicants trademark
application was denied registration
by examining attorney
Marcie Firm Milane
Trademark Examining Attorney
USPTO

EXHIBIT (P5)



No proof of Applicant's Mark used in

Commerce at the time of trademark

application or traced back to Applicant

alleged first use in Commerce since

2008 for which Applicant claims

consistent use in interstate and

nationwide.

This is false claims and Applicant

should be subject or face penalty in

EXHIBIT (P3) under 18 U.S.C. Section 1001
(willful false statements)

EXHIBIT (P6)

To: Oletu, Godswill H. (oletu@oletu.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86067598 - ZENITHMART - N/A
Sent: 12/30/2013 12:47:44 PM
Sent As: ECOM116@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 86067598

MARK: ZENITHMART

CORRESPONDENT ADDRESS:

OLETU, GODSWILL H.
OLETU, GODSWILL H.

370 W PLEASANTVIEW AVE STE 2-120
HACKENSACK, NJ 07601-8004

APPLICANT: Oletu, Godswill H.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

oletu@oletu.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 12/30/2013

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must

EXHIBIT (P7)

continue to submit certain documents online using TEAS, including responses to Office actions. See 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

NO LIKELIHOOD OF CONFUSION

The Office records have been searched and there are no similar registered or pending marks that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

SPECIMEN REFUSAL: LOGO FOR SERVICES – USE BASED

The specimen is not acceptable because it is merely a photocopy of the drawing or a picture or rendering of the applied-for mark and does not show the applied-for mark in actual use in commerce in the sale or advertising of the services. Section 45 of the Trademark Act requires use "in the sale or advertising of services." 15 U.S.C. §1127; see 37 C.F.R. §2.56(b)(2); TMEP §904.04(a).

An application based on Section 1(a) must include a specimen showing the applied-for mark in use in commerce for each class of services. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56; TMEP §§904, 904.07(a).

Therefore, applicant must submit the following:

- (1) A substitute specimen showing the mark in use in commerce for the services specified in the application; and

- (2) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: "The substitute specimen was in use in commerce at least as early as the filing date of the application." 37 C.F.R. §2.59(a); TMEP §904.05. If submitting a specimen requires an amendment to the dates of use, applicant must also verify the amended dates. 37 C.F.R. §2.71(c).

Examples of specimens for services are signs, photographs, brochures, website printouts or advertisements that show the mark used in the sale or advertising of the services. TMEP §§1301.04 *et seq.*

If applicant cannot satisfy the above requirements, applicant may amend the Section 1(a) filing basis (use in commerce) to Section 1(b) (intent to use basis), for which no specimen is required. However, should applicant amend the basis to Section 1(b), registration cannot be granted until applicant later amends the application back to use in commerce by filing an acceptable allegation of use with a proper specimen. 15

U.S.C. §1051(c); 37 C.F.R. §§2.76, 2.88; TMEP Chapter 1100.

EXHIBIT (P8)

In order to amend to Section 1(b), applicant must submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: "Applicant has had a bona fide intention to use the mark in commerce on or in connection with the services listed in the application as of the filing date of the application." 15 U.S.C. §1051(b); 37 C.F.R. §§2.34(a)(2), 2.35(b)(1); TMEP §806.03(c).

Pending a proper response, registration is refused because the specimen does not show the applied-for mark in use in commerce as a service mark. 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(v), 2.56; TMEP §§904, 904.07(a).

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

Please note the following additional information.

INFORMATION FOR PRO SE APPLICANTS

There is no required format or form for responding to an Office action. The Office recommends applicants use the Trademark Electronic Application System (TEAS) to respond to Office actions online at <http://www.uspto.gov/teas/index.html>. However, if applicant responds on paper via regular mail, the response should include the title "Response to Office Action" and the following information: (1) the name and law office number of the examining attorney, (2) the serial number and filing date of the application, (3) the mailing date of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

The response should address each refusal and/or requirement raised in the Office action. If a refusal has issued, applicant can argue against the refusal; i.e., applicant can submit arguments and evidence as to why the refusal should be withdrawn and the mark should register. To respond to requirements, applicant should set forth in writing the required changes or statements and request that the Office enter them into the application record.

The response must be personally signed or the electronic signature manually entered by applicant or someone with legal authority to bind applicant (i.e., a corporate officer of a corporate applicant, the equivalent of an officer for unincorporated organizations or limited liability company applicants, a general partner of a partnership applicant, each applicant for applications with multiple individual applicants). TMEP §§605.02, 712.

Applicant may wish to hire an attorney to assist in prosecuting this application because of the legal technicalities involved. The Office, however, cannot aid in the selection of an attorney. 37 C.F.R. §2.11. A applicant may wish to consult a local telephone directory for a listing of attorneys specializing in trademark or intellectual property law, or seek guidance from a local bar association attorney-referral service.

QUESTIONS

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney.

EXHIBIT (P9)

/Marcie R. Frum Milione/
Trademark Examining Attorney
Law Office 116
571-272-9726
Marcie.Milione@uspto.gov
(email for informal communications only)

TO RESPOND TO THIS LETTER: Go to <http://www.uspto.gov/trademarks/teas/response/forms.jsp>. Please wait 48-72 hours from the issue/mailling date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

Response to Office Action

Dec 11, 2013

EXHIBIT P10

The table below presents the data as entered.

Input Field		Entered	
SERIAL NUMBER		86067598	
LAW OFFICE ASSIGNED		LAW OFFICE 116	
MARK SECTION (no change)			
GOODS AND/OR SERVICES SECTION (current)			
INTERNATIONAL CLASS		035	
DESCRIPTION			
The bringing together, for the benefit of others, of a variety of goods and services, enabling customers to conveniently view and purchase those goods and services from an Internet web site particularly specializing in the marketing of the sale of goods and services of others			
FILING BASIS		Section 1(a)	
FIRST USE ANYWHERE DATE		At least as early as 00/00/2008	
FIRST USE IN COMMERCE DATE		At least as early as 00/00/2008	
GOODS AND/OR SERVICES SECTION (proposed)			
INTERNATIONAL CLASS		035	
DESCRIPTION			
The bringing together, for the benefit of others, of a variety of goods and services, enabling customers to conveniently view and purchase those goods and services from an Internet web site particularly specializing in the marketing of the sale of goods and services of others			
FILING BASIS		Section 1(a)	
FIRST USE ANYWHERE DATE		At least as early as 00/00/2008	
FIRST USE IN COMMERCE DATE		At least as early as 00/00/2008	
FILING BASIS			
Section 1(a)		With description of goods & services in separate applications	
FIRST USE ANYWHERE DATE		At least as early as 00/00/2008	
FIRST USE IN COMMERCE DATE		At least as early as 00/00/2008	
STATEMENT TYPE			
"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement			

EXHIBIT X2
see EXHIBIT X3
EXHIBIT X4
EXHIBIT X1
false claims
see EXHIBIT X2
EXHIBIT X3
EXHIBIT X4
EXHIBIT X1

EXHIBIT (P11)

of Use" [for an application based on Section 1(b) Intent-to-Use].

SPECIMEN FILE NAME(S)	
\\TCRS\EXPORT\16\IMAGFOUT 16\860\675\86067598\xml5\ ROA0002.JPG	
\\TCRS\EXPORT\16\IMAGFOUT 16\860\675\86067598\xml5\ ROA0003.JPG	
\\TCRS\EXPORT\16\IMAGFOUT 16\860\675\86067598\xml5\ ROA0004.JPG	
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\\TCRS\EXPORT\16\IMAGFOUT 16\860\675\86067598\xml5\ ROA0008.JPG	
\\TCRS\EXPORT\16\IMAGFOUT 16\860\675\86067598\xml5\ ROA0009.JPG	
\\TCRS\EXPORT\16\IMAGFOUT 16\860\675\86067598\xml5\ ROA0010.JPG	
<p>I submitted a total of nine instances of the same specimen as indicated below: 1. Picture of the specimen as used on my site www.zenithmart.com, where the services are been offered. 2. A closer-shot of specimen on my website. 3. Picture of specimen as used on Yellow Page Advertising. 4. More on yellow page Ad. 5. Closer-shot of yellow page, with specimen advertising my business and services. 6. Picture of specimen on merchantcircle.com advertising my business and services. 7. Specimen text in www.zenithmart.com domain name registration, also indicating registration year of 2006. 8. Specimen text in www.zenithmart.net domain name registration, also indicating registration year of 2006. 9. Specimen text in Superpages Advertisement of service and business. Furthermore, In accordance to 37 C.F.R. §2.20;37 C.F.R. §2.59(a); TMEP §904.05 & 37 C.F.R. §2.71(c). I declare and state that, this substitute specimen was in use in commerce at least as early as the filing date of the application.</p>	
SIGNATURE SECTION	SPECIMEN DESCRIPTION

DECLARATION SIGNATURE	SIGNATORY'S NAME
/Godswill Oletu	

Exhibit X Exhibit X5
Exhibit X2 Exhibit X6
Exhibit X3 Exhibit X7
Exhibit X4 Exhibit X8

false - see

EXHIBIT P12

SIGNATORY'S NAME		Godswill Oletu
SIGNATORY'S POSITION		Owner
SIGNATORY'S PHONE NUMBER		(201)286-1352
DATE SIGNED		12/31/2013
RESPONSE SIGNATURE	/Godswill Oletu/	
SIGNATORY'S NAME	Godswill Oletu	
SIGNATORY'S POSITION	Owner	
SIGNATORY'S PHONE NUMBER	(201)286-1352	
DATE SIGNED	12/31/2013	
AUTHORIZED SIGNATORY	YES	
FILING INFORMATION SECTION		
SUBMIT DATE		Tue Dec 31 18:08:53 EST 2013
TEAS STAMP		USPTO/ROA-68.199.15.135-2 0131231180853025278-86067 598-500d359fcf4757d2226d4 faaf976219707f911a422fd91 3eb23e3ecc9e8b293fe-N/A-N /A-20131231174804616600

**Response to Office Action
To the Commissioner for Trademarks:**

Application serial no. 86067598 has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 035 for The bringing together, for the benefit of others, of a variety of goods and services, enabling customers to conveniently view and purchase those goods and services from an Internet web site particularly specializing in the marketing of the sale of goods and services of others

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/2008 and first used in commerce at least as early as 00/00/2008, and is now in use in such commerce.

EXHIBIT P13

Proposed: Class 035 for The bringing together, for the benefit of others, of a variety of goods and services, enabling customers to conveniently view and purchase those goods and services from an Internet web site particularly specializing in the marketing of the sale of goods and services of others

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/2008 and first used in commerce at least as early as 00/00/2008, and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 035. The specimen(s) submitted consists of I submitted a total of nine instances of the same specimen as indicated below: 1. Picture of the specimen as used on my site www.zenithmart.com, where the services are been offered. 2. A closer-shot of specimen on my website. 3. Picture of specimen as used on Yellow Page Advertising. 4. More on yellow page Ad. 5. Closer-shot of yellow page, with specimen advertising my business and services. 6. Picture of specimen on merchantcircle.com advertising my business and services. 7. Specimen text in www.zenithmart.com domain name registration, also indicating registration year of 2006. 8. Specimen text in www.zenithmart.net domain name registration, also indicating registration year of 2006. 9. Specimen text in Superpages Advertisment of service and business. Furthermore, In accordance to 37 C.F.R. §2.20;37 C.F.R. §2.59(a); TMEP §904.05 & 37 C.F.R. §2.71(c). I declare and state that, this substitute specimen was in use in commerce at least as early as the filing date of the application. .

" The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application "[for an application based on Section 1(a), Use in Commerce] OR " The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use " [for an application based on Section 1(b) Intent-to-Use] . Specimen File1

Specimen File2
Specimen File3
Specimen File4
Specimen File5
Specimen File6
Specimen File7
Specimen File8
Specimen File9

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the

Applicant made willful false statement
to claim opposers Mark —

EXHIBIT P 14

applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Godswill Oletu/ Date: 12/31/2013
Signatory's Name: Godswill Oletu
Signatory's Position: Owner
Signatory's Phone Number: (201)286-1352

Response Signature
Signature: /Godswill Oletu/ Date: 12/31/2013
Signatory's Name: Godswill Oletu
Signatory's Position: Owner
Signatory's Phone Number: (201)286-1352

Applicant has clear knowledge that opposer owns the mark and that opposer is common law right under the Lanham Act and opposer has been using the mark in Commerce

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either (1) the applicant or (2) a person(s) with legal authority to bind the applicant; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

But out of good and

retaliatory action

because opposer did not

consent to giving him

equity ownership of Zenith-Mart Inc. Applicant

went behind opposer to apply to trademark

his name house falsifying documents.

Applicant trademark application should be voided and considered.

Cancelled with no further

Serial Number: 86067598
Internet Transmission Date: Tue Dec 31 18:08:53 EST 2013
TEAS Stamp: USPTO/ROA-68.199.15.135-2013123118085302
76219707f911a422fd913eb23ecc9e8b293fe-
N/A-N/A-20131231174804616600

EXHIBIT (P15)

To: Oletu, Godswill H. (oletu@oletu.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86067598 - ZENITHMART - N/A
Sent: 2/11/2014 7:49:58 PM
Sent As: ECOM116@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 86067598

MARK: ZENITHMART

86067598

CORRESPONDENT ADDRESS:

OLETU, GODSWILL H.

OLETU, GODSWILL H.

370 W PLEASANTVIEW AVE STE 2-120
HACKENSACK, NJ 07601-8004

APPLICANT: Oletu, Godswill H.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

oletu@oletu.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO
MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS
OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 2/11/2014

THIS IS A FINAL ACTION.

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT

EXHIBIT P16

FEF: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. See 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

This Office action is in response to applicant's communication filed on January 21, 2014.

In the first Office action, the examining attorney raised the following issue:

1. Conditional refusal based on the specimen of use being merely a photocopy of the drawing or a rendering of the applied-for mark.

In his response, applicant provided a substitute specimen of use. However, applicant failed to provide a substitute specimen that showed use of the mark in commerce for the services specified in the application. Therefore, the failure to function refusal is hereby CONTINUED and MADE FINAL.

FINAL REFUSAL: FAILURE TO FUNCTION

Registration is refused because the applied-for mark, as used on the specimen of record, does not function as a service mark to identify and distinguish applicant's services from those of others and to indicate the source of applicant's services. Trademark Act Sections 1, 2, 3 and 45, 15 U.S.C. §§1051-1053, 1127; see *In re Moody's Investors Serv., Inc.*, 13 USPQ2d 2043 (TTAB 1989); *In re The Signal Cos.*, 228 USPQ 956 (TTAB 1986); *In re Hughes Aircraft Co.*, 222 USPQ 263 (TTAB 1984); TMEP §§904.07(b), 1301.02 *et seq.*

The applied-for mark, as shown on the specimen, does not function as a service mark because the substitute specimen of use shows use of the mark for different services than those listed in the application. Specifically, the substitute specimen shows use of the mark in connection with retail store services. However, the services listed in the application are "The bringing together, for the benefit of others, of a variety of goods and services, enabling customers to conveniently view and purchase those goods and services from an Internet web site particularly specializing in the marketing of the sale of goods and services of others." This service does not cover retail store services, and applicant cannot amend the identification to retail store services. Therefore, the specimen is not acceptable to show use for the services in this application.

The specimen of record, along with any other relevant evidence of record, is reviewed to determine whether an applied-for mark is being used as a service mark. *In re Volvo Cars of N. Am., Inc.*, 46 USPQ2d 1455, 1458 (TTAB 1998). Not every word, design, symbol or slogan used in the advertising or performance of services functions as a mark, even though it may have been adopted with the intent to do so. See TMEP §1301.02. A designation cannot be registered unless purchasers would be likely to regard it as a source-indicator for the services. *Id.*; see *In re Moody's Investors Serv. Inc.*, 13 USPQ2d 2043, 2047-49 (TTAB 1989).

Because the applied-for mark, as used on the specimen of record, does not function as a service mark to identify and distinguish applicant's services from those of others and to indicate the source of applicant's

services, registration is refused under Trademark Act Sections 1, 2, 3 and 45.

If applicant cannot satisfy the above requirements, applicant may amend the Section 1(a) filing basis (use in commerce) to Section 1(b) (intent to use basis), for which no specimen is required. However, should applicant amend the basis to Section 1(b), registration cannot be granted until applicant later amends the application back to use in commerce by filing an acceptable allegation of use with a proper specimen. 15 U.S.C. §1051(c); 37 C.F.R. §§2.76, 2.88; TMEP Chapter 1100.

In order to amend to Section 1(b), applicant must submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: "Applicant has had a bona fide intention to use the mark in commerce on or in connection with the services listed in the application as of the filing date of the application." 15 U.S.C. §1051(b); 37 C.F.R. §§2.34(a)(2), 2.35(b)(1); TMEP §806.03(c).

FINAL REFUSAL

If applicant does not respond within six months of the mailing date of this final Office action, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final Office action by:

- (1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or
- (2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class.

37 C.F.R. §§2.6(a)(18), 2.64(a); TBMP ch. 1200; TMEP §714.04.

In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; see 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

/Marcie R. Frum Milone/
Trademark Examining Attorney
Law Office 116
571-272-9726
Marcie.Milone@uspto.gov
(email for informal communications only)

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailling date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or

So that you are aware, the Discovery Conference requires the parties to discuss the following issues:

- (1) the nature of and basis for their respective claims and defenses,
- (2) the possibility of settling the case or at least narrowing the scope of claims or defenses, and
- (3) arrangements relating to disclosures, discovery and introduction of evidence at trial, should the parties not agree to settle the case.

These discussions are supposed to include whether the parties wish to seek mediation, arbitration or some other means for resolving their dispute, as well as whether the Board's Accelerated Case Resolution process may be a more efficient and economical means of trying the involved claims and defenses. Finally, we would discuss whether to alter or amend any Board procedures and the Standard Protective Order as well as any stipulations.

Please let us know when you are free to discuss.

Warm regards,
Adam

Adam Weiss
Shareholder

aweiss@polsinelli.com
312.873.3644

161 N. Clark Street, Suite 4200
Chicago, IL 60601
polsinelli.com

Polsinelli PC, Polsinelli LLP in California

From: info@zenithmart.us [mailto:info@zenithmart.us]
Sent: Monday, July 21, 2014 4:12 PM
To: Adam Weiss
Cc: Tedd Van Buskirk; Karin Sullivan
Subject: Follow up UPDATE



EXHIBIT (K)

Dear Adams,

It was nice to hear from you. I went through Oletu's Answer on TTAB and this guy is just a liar and fraud. take a look at the attached Ebay pages and Amazon pages I captured. Look at the URL and you will see my name and zenithmart on the URL www.ebay.com/usr/zenithmart as this is my account on Ebay which I used my Mark ZENITHMART before Oletu as you can see on the page and URL. www.amazon.com/shops/zenithmart

So on both Ebay and Amazon, I have prior ownership and have been using the mark in both commerce before Oletu. Oletu is a liar and fraud and have to pay for infringing on my MARK and causing deception and confusion in the marketplace.
I have every legal documents, licenses, from the IRS and New York State and my business tax returns from 2012.

EXHIBIT (R1)

What Oletu had with Ebay is his personal ebay account as you can see from his URL www.ebay.com/usr/ogodswill which in December 2013 after his first office action denial by the examining attorney he went and uploaded the fake and deceptive logo on the same personal ebay account of his and then opened an ebay store with the name Zenithmart Devices N Fashion Wears and URL <http://stores.ebay.com/Zenithmart-Devices-N-Fashion-Wears> because the name and MARK ZENITHMART is not available to use on EBAY or any other Shopping or Social SITES because of my prior ownership and using the MARK in Commerce so Oletu cannot get the MARK ZENITHMART that's why he conned something similar to my MARK to get an ebay store and use [Zenithmart Devices N Fashion Wears] which is contradictory. is his MARK now [Zenithmart Devices N Fashion Wears] or [ZENITHMART] which I have ownership and prior use before him in commerce. all these are deceptive and fraudulent .

I have notified Ebay to shut down his account which shows my business name and Mark ZENITHMART because he doesn't have any legal or common law right to use my MARK which I have authority over.

We can also involve the IRS in this matter so they can confirm who is the owner of the name and MARK ZENITHMART and has been paying the corporation, state and local taxes on the corporations name and MARK.

Oletu should provide all taxes he filed starting from 2008 till date in the name of ZENITHMART because he says he has been using the MARK both in inter state and national and international, which means he should be paying local and State taxes to New Jersey from 2008 to 2014 as he claimed and also sales tax certificate and licenses in the name because even if you filed doing business as ZENITHMART, as a sole proprietorship, you will have a license in New Jersey, county, local, state or some sort so let him provide every tax documentation with the mark and let's involve the IRS and State of New Jersey

You can verify my business with the New York State and Federal IRS which I have every documentation and proves.

Two people cannot share the same URL as the first to use the name in commerce gets the first and main URL which I have and use the MARK ZENITHMART before Oletu on Ebay.com. the same thing on Amazon.com, I used the MARK ZENITHMART before Oletu which am still using right now as you can see from the Amazon URL. The first person to use the MARK gets the Account with the MARK and URL as you can see.

Even on social medias;
Facebook: <https://www.facebook.com/zenithmart>
Twitter: <https://twitter.com/zenithmart>
Pinterest: <http://www.pinterest.com/zenithmart>

to name a few. Search Zenith-Mart Inc or ZenithMart or zenithmart on Google.com internet to see how many trace of my MARK as using in commerce, advertisement, marketing and count which ones in Oletus name. He is a fraud.

Even when Oletu filed this trademark, he was not using this mark in commerce anywhere, on the internet as you see the history on Way Back machine and also on both Amazon and Ebay as you can investigate from Amazon to know when Oletu set up his Affiliate account with Amazon. That was why the examining attorney denied his registration and set him first and second office actions of denials that his proposed mark is just a sketch of something that is fake and not actual use in commerce

EXHIBIT (R2)

that's why he hurried around November, December 2013 to set up Amazon affiliate store with URL: www.amazon.com/shops/Zenith-Mart. He couldn't get the URL:

www.amazon.com/shops/zenithmart because it was taking and belongs to the owner of the MARK ZENITH-MART INC that's why his Amazon URL has a dash between Zenith-Mart to mimic my MARK and confuse my customers into believing is the same Zenith-Mart Inc. He set all this up after he filed the trademark claiming use in commerce which is fraud instead of intent to use knowing that I have common law right and ownership of the mark before him.

When I want to buy is domain name which I sent you emails. that was around August 2013 and my company starting in April 9 2012 is still a start up business in operation, it was a new company that is 1 year old and I was seeking for an SBA loan then to expand my business when we were talking about his investing and taking 20% equity but he was greedy and demanded 50% for the domain name and I said no. I rejected his 50% and that's why he went behind me to apply for the trademark and claimed using in commerce when his domain has been parked since 2007 and has not been used in Commerce. If He was using it prior to me why didn't he filed for the trademark in 2008, 2009, 2010, 2011, 2012. Why did he went and filed the trademark after I refused his 50% and him wanting to sell the domain name to me.

Investigate and search every information about ZENITH MART INC and you will see that I have gained tremendous reputation and visibility and have common law right and ownership over the Mark while you can get no information about him or his so called mirror fake affiliate site which I will be contacting Amazon to shut that affiliate site down. Note that what Oletu has on Amazon is affiliate while mine with URL: www.amazon.com/shops/zenithmart is the legal and original Amazon Seller and Retailer store on Amazon. On my Amazon URL, take a look at the search bar and you will Zenith-Mart Inc. scroll down around footer and you will Zenith-Mart Inc everywhere to tell you that you are on the real Zenith-Mart Inc store. and take a close look at his on www.amazon.com/shops/Zenith-Mart and you will see the difference between mine and his. Oletus registration must be shut down and cancelled.

Awaiting your urgent response

Tochukwu Mbiamnozie

-----Original Message-----

From: "Adam Weiss" <AWeiss@Polsinelli.com>
Sent: Wednesday, July 16, 2014 11:07pm
To: "info@zenithmart.us" <info@zenithmart.us>
Cc: "Tedd Van Buskirk" <TVanBuskirk@Polsinelli.com>, "Karin Sullivan" <KSullivan@polsinelli.com>
Subject: RE: Follow up UPDATE

Tochukwu, attached is a copy of the Answer to the Notice of Opposition that Oletu filed yesterday (we have not yet received a copy, but the materials appeared online at the TTAB). He stated numerous Affirmative Defenses, many of which read more like counterclaims. It looks appears that he might be at least consulting with an attorney. The next step is for us to have a Discovery Conference with Oletu (which must occur by 8/15/2014) and Discovery opens at that time. Initial Disclosures (basic information about our case and the materials and witnesses we intend to rely upon) will

EXHIBIT V

From: Adam Weiss <AWeiss@Polisnelli.com>
Sent: Thursday, August 07, 2014 6:47 PM
To: info@zenithmart.us
Cc: Tedd Van Buskirk; Karin Sullivan
Subject: ZENITHMART Opposition

Tochukwu, I just wanted to update you on the conversations I had earlier this week with Oletu and also today's discovery conference. Both were uneventful. AT first Oletu told me he would stipulate to likelihood of confusion, but then changed his mind after re-reading his pleadings. The only agreement we made was that, in addition to mailing copies of documents, we would also send e-mail copies.

The Discovery Conference was equally uneventful. The Interlocutory Attorney actually had reached out to me first yesterday to see if we could do the conference today (instead of tomorrow). At that time, we had a long discussion about today's conference, without speaking about the particular issues in the case (such discussions should not be held without the other side also involved). Today's conference was relatively standard, though the Interlocutory Attorney said the following notable things:

1. He told Oletu that, while he is pro se, it is clear that he is getting some outside help (Oletu did not respond to this comment);

2. He told Oletu that his Answer contained a great deal of materials that are not relevant and made it clear that our trademark applications are not at issue in this proceeding (only the one Oletu app that we have opposed); I think Oletu thought he was countering to oppose our applications, which he cannot do;

3. Although Oletu would not stipulate to likelihood of confusion, the Interlocutory Attorney made it clear that this did not seem to be at issue here, and that the central issue will be priority (including whether Oletu could tack on current use to any older rights if those rights had been abandoned);

4. He asked us to consider ACR, which is an accelerated and streamlined process when the issues are fairly narrow; and

5. He thought that the Board's standard protective order should be sufficient, and that means that Oletu could not review any of our confidential information (unless he hired an attorney, which the Interlocutory Attorney recommended several times).

Karin is going to start preparing the Initial Disclosures, which are not due until September 14, but we would like to send those out early so that we can send out our initial discovery requests (the discovery period opens on August 15, but we generally cannot send out such requests until we serve our Initial Disclosures). We should expect to receive Oletu's disclosures and discovery requests as well, so please start to assemble any documents that you think will be relevant to the proceeding. Please also make sure not to destroy or delete any materials that might be relevant.

Please do not hesitate to contact me with any questions. I am out of the office until August 18, but will be checking in regularly.

Warm regards,
 Adam

Adam Weiss
 Shareholder

EXHIBIT X4

From: info@zenithmart.us
Sent: Friday, February 14, 2014 2:20 AM
To: Tedd Van Buskirk
Subject: RE: All my communications with Oletu

Dear Tedd,

Below are all my communications with Oletu. Please advise

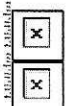

Tochukwu Mbiannoze tochukwumbiannoze@gmail.com
8/27/13

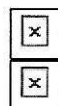


Hello Godswill Oletu,

Sorry to inconvenience you at this time. My name is Tochukwu Mbiannoze the owner of Zenith Mart Inc. New York USA. I am writing with respect to your domain name ZenithMart.com which I was trying to register and it happened that you already registered it long time ago. I am really interested to buy it from you for my business use and pleading if you will please sale it to me. I am willing to offer you whatever you feel the domain worth's to enable me go ahead with its web development and running of my business.

I will appreciate if you will acknowledge and accept my request

Thanks and awaiting your response.



Regards



oletu@oletu.com
9/1/13


to me


Hi Tochukwu,

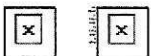
I am not really kin on selling the domain name, unless I can get a very good and serious offer. I registered www.zenithmart.com many years ago, after a long search for an online marketing platform and name that will mimic the likes of Walmart, Kmart, Pathmart, Petmart, etc. Zenith meaning above, highpoint, excel, etc was a good catch when matched with the ubiquitous name 'mart'. After registering it, I setup online store and traded with it for a while, but order fulfillment and stock updates became too much for me considering I also have a regular job. It was then I froze all activities on it until a better time when my regular job is less demanding or when I slowly start switching from regular job to more of entrepreneurship endeavors.

So, send me your offer and I let you know.

Tochukwu Mbiannoze tochukwumbiannoze@gmail.com
9/3/13


EXHIBIT X5



to oletu



Hi Godswill,

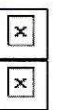
I am glad to hear from you and to be honest with you, I feel we are meant to come across each other being that you had this domain and it being my company's name. I like the fact that you have an entrepreneurship spirit which makes us more like a match. When I found out that you are the owner being a Nigerian and me too, I believe we can team together to create something great and powerful which will profit and benefit us mutually. Currently, its only my wife and I that are the share holders of the company which I have been looking for a third partner to make us trio and we can work together.

I am making you an offer to be a partner of my company Zenith Mart, Inc. if its something you would like to be part of. Zenith Mart, Inc. is both a New York State and Federal S-Corporation which if you lock in this opportunity, you will never regret it. Being a partner will not disrupt your full time job until we have fully developed our products, launch into the market and start making huge profits then you can decide to switch over in the future and focus on Zenith Mart, Inc. Am open to whatever terms you come up with.

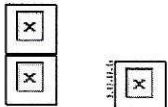
If it comes to buying the domain from you, its been 6-7 years now you registered it which .com and .net domain names are \$12.99/year thereby totaling it for \$90.93 since its been registered in 2006. Please accept \$500 from me for both domains zenithmart.com and zenithmart.net

So please my brother, I want you to think this through as am open to negotiations and to know if you would want us to partner and work together.

Awaiting your response



Tochukwu Mbiannozie tochukwumbiannozie@gmail.com
9/11/13



to oletu



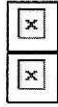
Hi Godswill,

I haven't heard from you after my last message. If the amount I told you was low or not suitable for you, I expect you to get back to me with a response on what you think best it worth. However, I am willing to pay \$1000 for it if you change your mind to sell to me.

Thank you and stay blessed.



Godswill Oletu oletu@oletu.com
9/14/13



to me

Hi Tochukwu,

This is to acknowledge that, I saw your last email offering \$1000.00 for the domain names.

• IDENTIFICATION OF SERVICES

SEARCH OF OFFICE'S DATABASE OF MARKS

The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no similar registered marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d). However, marks in prior-filed pending applications may present a bar to registration of applicant's mark.

ADVISORY: PRIOR-FILED APPLICATIONS

The filing dates of pending U.S. Application Serial Nos. 86156478 and 86172398 precede applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced applications. In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the marks in the referenced applications. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

IDENTIFICATION OF SERVICES

An application must specify, in an explicit manner, the particular goods or services on or in connection with which the applicant uses, or has a bona fide intention to use, the mark in commerce. *See* 15 U.S.C. §1051(a)(2), (b)(2); 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Therefore, proper punctuation in identifications of goods and services is necessary to delineate explicitly each product or service within a list and to avoid ambiguity. Generally, **commas** should be used (1) to separate a series of related items identified within a particular category of goods or services, (2) before and after "namely," and (3) between each item in a list of goods or services following "namely." TMEP §1402.01(a). **Semicolons** generally should be used to separate a series of distinct categories of goods or services within an international class. *Id.*

For example, the identification of goods "cleaners, namely, glass cleaners, deodorizers for pets, cosmetics" is ambiguous because "cosmetics" and "deodorizers for pets" are not "cleaners," and thus are not within this category of goods even though they are all in the same international class. *Id.* However, by replacing the commas with semicolons after "glass cleaners" and "deodorizers for pets," this identification would become acceptable: "cleaners, namely, glass cleaners; deodorizers for pets; cosmetics." *Id.*

Applicant may adopt the following identification of services, if accurate:

International Class 35: On-line retail store services featuring a variety of goods and consumer goods of others, consisting of electronics, office products and accessories, home and garden goods, sporting and outdoor goods, software, applications, jewelry, books, ebooks, publications, laptops, computers, bags, handbags, video games, music, movies, appliances, photo, gifts, gift cards, automotive parts, security and surveillance systems, GPS systems, navigation, cosmetics, decors and decorations, arts and craft, toys,

EXHIBIT X43

Auction Zenith Mart Store



Our motto is...

AD04

6 Order Complete

Bill To: Address Shipping Address Shipping Address Payment Card
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Your order receipt:

Auction Zenith Mart Store - Secure2U Inc.

Order Number: 37108
Date: 1/4/2007

Ship To:
Max Shapiro
330 S. Barrington Avenue, Unit #210
Los Angeles, California
90049, United States

Bill To:
Mr.
29 Central Avenue
Hasbrouck Heights
New Jersey
07604, United States

Qty	Product	Shipping	Unit Price	Total
1	Leak Ender 2000	DMSTC-STD	\$10.55	\$10.55
				Subtotal: \$10.55
				Shipping: \$5.45
				Total: \$16.00 USD

This purchase will appear as "Secure2U Inc." on your credit card statement.

Questions or Comments:
Please direct any questions or comments about your order to support@secure2u.com.



secured by



PREFERRED PARTNER





Shopping with us is safe. Guaranteed.



Unavailable

<https://azenithmart.secure2u.com/checkout/37108/complete.html>

Spammy link
cannot be verified



A003

6 Order Complete

Sign in Address Shipping Billing Shipping Address Shipping Method Payment Com

Your order receipt:

Zenith Mart - Secure2U Inc.
Order Number: 35804
Date: 12/20/2006

Ship To:
Brennan Stained Glass Studio Inc
1288 W. Genesee Street
Syracuse, New York
13204, United States

Bill To:
Mr. Godswill Odeu
29 Central Avenue
Hasbrouck Heights, New Jersey
07804, United States

Qty	Product	Shipping	Unit Price	Total
1	Bell & Howell Solar powered Floodlight (Set of 2)	DMSTC-STD	\$38.45	\$38.45
			Subtotal:	\$38.45
			Shipping:	\$5.45
			Total:	\$43.90 USD

This purchase will appear as "Secure2U Inc." on your credit card statement.

Questions or Comments:
Please direct any questions or comments about your order to support@secure2u.com.



SECURED BY



PREFERRED PARTNER





Shopping with us is safe.



Unavailable

<https://zenithmart.secure2u.com/checkout/35804/complete.html>

Spanning link
cannot be verified

EXHIBIT (Y1)

NOTE TO THE FILE

SERIAL NUMBER: 86067598
DATE: 02/28/2014
NAME: mmilone
NOTE:

Searched:

- Google
- Lexis/Nexis
- OneLook
- Wikipedia
- Acronym Finder
- Other:

Checked:

- Geographic significance
- Surname
- Translation
- ID with ID/CLASS mailbox

Checked list of approved Canadian attorneys and agents

Discussed file with

Attorney/Applicant via:

- phone
- X email

Requested Law Library search

for:

PRINT DO NOT PRINT

Description of the mark

Translation statement

Negative translation statement

Consent of living individual

Changed TRADEUPS to:

X OTHER:

Discussed ID with:

- Senior Atty
- Managing Atty

Protest evidence reviewed

Discussed Geo. Sig. with:

- Senior Atty
- Managing Atty

- Left message with Attorney/Applicant
- Issued Examiner's Amendment and entered changes in TRADEUPS
- Added design code in TRADEUPS
- Re-Imaged standard character drawing
- Contacted TM MADRID ID/CLASS about misclassified definite ID

EXHIBIT
Y2

From: Milione, Marcie
Sent: Friday, February 28, 2014 7:45 PM
To: 'Godswill Oletu'
Subject: RE: U.S. TRADEMARK APPLICATION NO. 86067598 - ZENITHMART - N/A - Question

Sounds good.

Best of luck!

Marcie

From: Godswill Oletu [<mailto:oletu@oletu.com>]
Sent: Friday, February 28, 2014 6:24 PM
To: Milione, Marcie
Subject: Re: U.S. TRADEMARK APPLICATION NO. 86067598 - ZENITHMART - N/A - Question

Hi Marcie,

Sorry, I missed your call.

Yes, I see that it has now been approved, I appreciate the effort. I will keep checking the status.

Thanks.

Godswill Oletu
(201) 286-1352

From: Milione, Marcie
Sent: Tuesday, February 11, 2014 7:49 PM
To: Godswill Oletu
Subject: RE: U.S. TRADEMARK APPLICATION NO. 86067598 - ZENITHMART - N/A - Question

Good evening.

I wanted to let you know that I have reviewed your file. Unfortunately, I cannot accept your specimen as it does not show use for the services listed in your application. I am sending a final refusal to you. If you have questions, I would be happy to explain the refusal to you in further detail. We can set up a telephone conference, if necessary.

Sincerely,
Marcie Frum Milione
Trademark Examining Attorney
USPTO

From: Godswill Oletu [<mailto:oletu@oletu.com>]
Sent: Friday, January 24, 2014 9:52 AM
To: Milione, Marcie
Subject: Re: U.S. TRADEMARK APPLICATION NO. 86067598 - ZENITHMART - N/A - Question

EXHIBIT 73

Hi Marcie,

Thanks for getting back to me on this matter, I will keep an eye out on my file and email.

Sincerely,
Godswill Oletu
(201) 286-1352

From: Milone, Marcie
Sent: Thursday, January 23, 2014 3:21 PM
To: Godswill Oletu
Subject: RE: U.S. TRADEMARK APPLICATION NO. 86067598 - ZENITHMART - N/A - Question

Good afternoon!

Yes, I see that a response has come in for this case. I have not yet reviewed it, however. Responses are generally reviewed in the order in which they are received. I would expect to review it sometime in the next week or two and will notify you if there is a problem with the response, but feel free to let me know if you have any further questions.

Thanks for letting me know.

Sincerely,
Marcie Frum Milone
Examining Attorney

From: Godswill Oletu [<mailto:oletu@oletu.com>]
Sent: Sunday, January 19, 2014 11:14 AM
To: Milone, Marcie

Subject: Re: U.S. TRADEMARK APPLICATION NO. 86067598 - ZENITHMART - N/A - Question

Hi Marcie,

I responded to this office action electronically on 12/31/2013, the next day after receiving the notice.

I have been checking my status since then and have not seen any movement apart from the acknowledgement that my response was received on 12/31/2014.

I am becoming a little bit concern, and also thinking if there is something more, that I need to do in response to the office action that you issued on this this application. My response includes pictures of website where the trademark is used for business, picture of advertisements, pictures of domain registrations, etc.

I really appreciate the time you took in reading my email and looking into this.

Your sincerely,

Godswill Oletu
(201) 286-1352

EXHIBIT (Z1)

New York State Department of
Taxation and Finance
Office of Processing and Taxpayer Services
W A Harriman Campus
Albany NY 12227

Notice date: 5/25/2012

Approval of Election to be Treated as a New York S Corporation

Taxpayer ID:

S effective date: 4/9/2012



ZENITH-MART INC.
303 E 54TH ST STE 2
BROOKLYN NY 11203-4611

12053679590200 -AC00

We have approved your election to be treated as a New York S corporation, effective for tax years beginning on or after 4/9/2012. This election will remain in effect for all subsequent years until revoked or terminated.

If the effective date is for a period later than the one you requested, you did not make the election on time. Therefore, we assigned the next applicable period. If you have a federal election for a period earlier than the one assigned, please resubmit Form CT-6, *Election by a Federal S Corporation to be Treated As a New York S Corporation*, with a copy of the federal S election approval letter to the CORPORATION TAX REGISTRATION UNIT, W A HARRIMAN CAMPUS, ALBANY NY 12227.

If your federal S election is pending, this New York State approval is tentative until the Internal Revenue Service (IRS) approves the federal election. If the IRS denies your federal S election, your New York State approval is revoked and your corporation must file regular New York State corporation franchise tax returns.

Note: All information in this statement is subject to review and adjustment by the Audit Division, who determines whether the corporation meets the legal requirements for filing as a New York S corporation.

Filing requirements for S corporations – A New York S corporation must file its franchise tax return annually and pay its tax within 2½ months after the end of the corporation's tax year. General business S corporations must file Form CT-3-S, *New York S Corporation Franchise Tax Return*. Bank S corporations must file Form CT-32-S, *New York Bank S Corporation Franchise Tax Return*.

Individual shareholders must file either

Form IT-201, *Resident Income Tax Return*, or

Form IT-203, *Nonresident and Part-Year Resident Income Tax Return*.

Penalties and interest – We will assess penalties if you fail to file a tax return, or fail to file or pay tax on time, or fail to provide shareholder information on time, or if you understate the tax. We will also assess interest if you fail to pay on time.

Whenever the shareholder composition of the S corporation changes, either in the number of shareholders included or by specific individuals included, you must complete and file a new Form CT-6, *Election by a Federal S Corporation to be Treated As a New York S Corporation*.

For more information, call (518) 485-6027. When you call, have your taxpayer identification number and the notice code available as follows:

Taxpayer ID:

Notice code: 20005

Need help?



Visit our Web site at www.tax.ny.gov

- get information and manage your taxes online
- check for new online services and features

Text Telephone (TTY) Hotline (for persons with hearing and speech disabilities using a TTY):

(518) 485-5082

Notice code: 20005

TR-37 (6/11)

1DA2 - 1360635 P0000369-01

For assistance, call:
1-800-829-0115

Notice Number: CP261
Date: July 9, 2012

Taxpayer Identification Number: **redacted**
Tax Period:

EXHIBIT (Z2)



Department of the Treasury
Internal Revenue Service
Cincinnati OH 45999-0038

ZENITH MART INC
303 E 54TH ST STE 2
BROOKLYN NY 11203-4611

016760.216831.0068.002 1 AP 0.374 532
[Barcode]

016760

Notice of Acceptance as an S Corporation

We have accepted your election to be treated as an S corporation beginning April 9, 2012. Your accounting period will end in December.

We would also like to take this opportunity to inform you of your tax obligations related to the payment of compensation to shareholder-employees of S corporations.

When a shareholder-employee of an S corporation provides services to the S corporation, reasonable compensation generally needs to be paid. This compensation is subject to employment taxes.

Tax practitioners and subchapter S shareholders need to be aware that Revenue Ruling 74-44 states that the Internal Revenue Service (IRS) will re-characterize small business corporation dividends paid to shareholders as salary when such dividends are paid to the shareholders in lieu of reasonable compensation for services.

The IRS may also re-characterize distributions other than dividend distributions as salary. This position has been supported in several recent court decisions.

If you have any questions about this notice or the action we have taken, please call us at the telephone number listed above. If you prefer, you may write to us at the address shown at the top of this notice. If you write to us, please provide your telephone number and the most convenient time for us to call so we can resolve your inquiry. Please return the bottom part of this notice to help us identify your case.

For tax forms, instructions and information visit www.irs.gov. (Access to this site will not provide you with your specific taxpayer account information.)

EXHIBIT Z-3

IRS
DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 04-12-2012

Employer Identification Number:

Number of this notice: CP 575 A

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 45-5027311. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us. Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 940
Form 944
Form 1120

01/31/2013
01/31/2013
03/15/2013

If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

IMPORTANT INFORMATION FOR S CORPORATION ELECTION:

If you intend to elect to file your return as a small business corporation, an election to file a Form 1120-S must be made within certain timeframes and the corporation must meet certain tests. All of this information is included in the instructions for Form 2553, *Election by a Small Business Corporation*.

FILING RECEIPT

ENTITY NAME: ZENITH-MART INC.

DOCUMENT TYPE: INCORPORATION (DOM. BUSINESS)

COUNTY: KING

FILED: 04/09/2012 DURATION: PERPETUAL CASH#: 120409000407 FIRM #: 120409000384

FILER:

IMELDA VASQUEZ

C/O LEGALZOOM.COM INC

101 N BRAND BLVD 11TH FLR

GLENDALE, CA 91203

ADDRESS FOR PROCESS:

C/O UNITED STATES CORPORATION AGENTS, INC.

7014 13TH AVENUE, SUITE 202

BROOKLYN, NY 11228

REGISTERED AGENT:

UNITED STATES CORPORATION AGENTS, INC.

7014 13TH AVENUE, SUITE 202

BROOKLYN, NY 11228

STOCK:

1000 PV

01



EXHIBIT (24)

04/09/2012

EXIST DATE

FEE: 195.00

FILING 125.00

TAX 10.00

CERT 0.00

COPIES 10.00

HANDLING 50.00

CASH 0.00

CHECK 0.00

CHARGE 0.00

DRAWDOWN 195.00

OPAL 0.00

REFUND 0.00

PAYMENTS 195.00

SERVICE COMPANY: LEGALZOOM.COM, INC. - AF

SERVICE CODE: AF *

DOS-1025 (04/2007)

EXHIBIT (Z5)

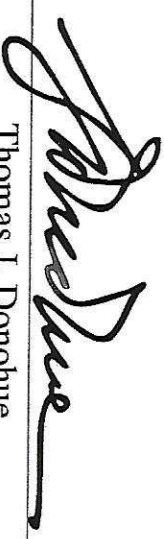
As recognized by the U.S. Chamber's Board of Directors

Zenith-Mart, Inc.

is a Member of the U.S. Chamber of Commerce
until August 31, 2015



U.S. CHAMBER OF COMMERCE


Thomas J. Donohue
President and CEO

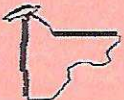


EXHIBIT (Z7)

12093888077800-AP00



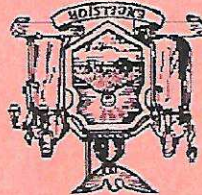
ZENITH-MART INC.
303 E 54TH ST STE 2
BROOKLYN NY 11203-4611

New York State Department of Taxation and Finance
Certificate of Authority

Identification number

redacted

(Use this number on all returns and correspondence)



Dept of Tax
and Finance

9/24/2012

VALIDATED

ZENITH-MART INC.
303 E 54TH ST STE 2
BROOKLYN NY 11203-4611

is authorized to collect sales and use taxes under Articles 28 and 29 of the New York State Tax Law.

Nontransferable

This certificate must be prominently displayed at your place of business.
Fraudulent or other improper use of this certificate will cause it to be revoked.
The certificate may not be photocopied or reproduced.